

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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)	
DEMETRE DURHAM,)	CIVIL NO.
)	1:23-CV-00244 LEK-WRP
Plaintiff,)	
)	
vs.)	
)	
NATIONAL CREDIT ADJUSTERS,)	
LLC.,)	
)	
Defendant.)	
)	
-----)	

DEPOSITION OF IVAN JONES,
Taken on behalf of Plaintiff, via Zoom, commencing at
9:02 a.m., Hawaii Standard Time, on May 14, 2024,
pursuant to Notice.

REPORTED BY:

TERRI R. HANSON, CSR NO. 482
Registered Professional Reporter

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2
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Also Present:
13 Jacob Bach, Esq., national counsel for National Credit
Adjusters, LLC.
14
15 Zoom hosted by:
16 Ralph Rosenberg Court Reporters
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24
25

1 WHEREUPON, the following proceedings were duly
2 had:
3 IVAN JONES,
4 after having been first duly sworn,
5 was examined and testified as follows:
6
7 MR. BRACKETT: All right. Good morning.
8 My name is Justin Brackett. I'm the attorney for the
9 plaintiff, Demetre Durham. This is the deposition of
10 Ivan Jones, an employee of defendant, National Credit
11 Adjusters, LLC. It's in the matter of Demetre Durham
12 versus National Credit Adjusters, LLC, a case bearing
13 court file No. 1:23-CV-00244 LEK-WRP, before the U.S.
14 District Court for the District of Hawaii.
15 The deposition is taking place via Zoom on
16 May 14, 2024, with the questioner located at 515 Ward
17 Avenue, Honolulu, Hawaii. That's where I'm at.
18 The court reporter will videotape and
19 stenographically be recording these proceedings at all
20 times unless otherwise specified.
21 As a preliminary matter, we wish to eliminate
22 interruptions. I'm insisting on strict enforcement of
23 Rule 30(c)2 of the Civil Rules of Procedures as to no
24 speaking objections be lodged. And in the event that an
25 objection could be interpreted as suggestive, that the

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1 deponent be asked to leave the room before the objection
2 is stated.
3 Moreover, I request that the deponent only be
4 instructed not to answer when necessary to preserve a
5 privilege, to enforce a limitation ordered by the court,
6 or to present a motion to terminate or limit pursuant to
7 Rule 30(d)3.
8 The defendant, National Credit Adjusters, LLC,
9 may be referred to as NCA throughout this deposition.
10 Now, would all present please identify
11 themselves for the record beginning with the witness.
12 THE WITNESS: Ivan Jones.
13 MS. CLAYDON: Kukui Claydon for National
14 Credit Adjusters. With me is Jacob Bach, national
15 counsel for National Credit Adjuster, just here to
16 observe.
17 MR. BRACKETT: And, of course, Terri Hanson
18 is the court reporter.
19 Ms. Hanson, what is your email address?
20 THE COURT REPORTER: It's
21 terrihanson59@gmail.com.
22
23 EXAMINATION
24 BY MR. BRACKETT:
25 Q. Before me went on the record, Mr. Jones, you

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<p>1 had stated your address as 2400 North Arizona Avenue</p> <p>2 there in Chandler, Arizona?</p> <p>3 A. Correct, Apartment 1042.</p> <p>4 Q. Thank you for that. All right. So where are</p> <p>5 you located now, Mr. Jones?</p> <p>6 A. Same address.</p> <p>7 Q. So you're Zooming in from home today?</p> <p>8 A. Oh, no, I'm at work.</p> <p>9 Q. Okay. And where do you work?</p> <p>10 A. National Credit Adjusters.</p> <p>11 Q. And where is the location of the National</p> <p>12 Credit Adjusters that you're located at now?</p> <p>13 A. 555 West Chandler Boulevard, Chandler, Arizona.</p> <p>14 Q. Have you ever given a deposition before?</p> <p>15 A. No, sir.</p> <p>16 Q. Have you ever testified in court?</p> <p>17 A. No, sir.</p> <p>18 Q. What is your job title at NCA?</p> <p>19 A. Account manager.</p> <p>20 Q. And what are some of your job responsibilities</p> <p>21 there at NCA?</p> <p>22 A. Just collect all delinquent accounts.</p> <p>23 Q. Anything else?</p> <p>24 A. No, sir.</p> <p>25 Q. Did you prepare for today's deposition?</p>	<p>1 Q. And have you ever went by any other name?</p> <p>2 A. No, sir.</p> <p>3 Q. Do you use any other names while working at</p> <p>4 NCA?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you have an employee number at NCA?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What is that?</p> <p>9 A. CP208.</p> <p>10 Q. That's C as in Charlie, P as in Paul?</p> <p>11 A. Paul.</p> <p>12 Q. And then 208?</p> <p>13 A. Correct.</p> <p>14 Q. And in regards to the deposition today, I'll be</p> <p>15 asking you a series of questions. You're doing</p> <p>16 fantastic. I will lay out a couple of the ground rules.</p> <p>17 Every time you respond, I request that you</p> <p>18 respond verbally. If you nod your head, I'm not gonna</p> <p>19 catch that.</p> <p>20 A. Okay.</p> <p>21 Q. It's not gonna catch that on her typing.</p> <p>22 Uh-huhs and un-uns unfortunately won't work. So yes or</p> <p>23 no is way more clear.</p> <p>24 And if you don't understand a question today,</p> <p>25 if it ever is a situation; and you've already done this;</p>
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<p>1 A. I'm not understanding the question.</p> <p>2 Q. Sure.</p> <p>3 A. No, I didn't prepare.</p> <p>4 Q. Okay. Did you review any documents in</p> <p>5 preparation for today?</p> <p>6 A. Yes, yes.</p> <p>7 Q. And what documents did you review?</p> <p>8 A. I just reviewed the recording of the call.</p> <p>9 Q. And that would be the call between you and Mr.</p> <p>10 Durham?</p> <p>11 A. Correct.</p> <p>12 Q. Did you speak with anyone in preparation for</p> <p>13 today's deposition?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Who did you speak with?</p> <p>16 A. I'm not -- I forgot his name. I spoke to him</p> <p>17 yesterday.</p> <p>18 Q. Was it Jacob Bach?</p> <p>19 A. I think so, yes.</p> <p>20 Q. Anyone else?</p> <p>21 A. No, sir.</p> <p>22 Q. Of course, today we're gonna go through --</p> <p>23 well, I guess one more question on that. How long did</p> <p>24 you speak with Mr. Bach yesterday?</p> <p>25 A. Just previously, about five minutes.</p>	<p>1 where you don't understand the question, always feel</p> <p>2 free to ask. You know, I want to make sure that you</p> <p>3 understand what I'm asking so that you can make a clear</p> <p>4 statement of the record and, you know, tell us exactly</p> <p>5 what happened.</p> <p>6 A. Yes, sir.</p> <p>7 Q. We will be taking breaks. I don't anticipate</p> <p>8 that today is gonna take too long. But if it goes over</p> <p>9 an hour or goes into a second or third hour, I will take</p> <p>10 a break at the top of every hour or five minutes.</p> <p>11 Hopefully that helps you out because now you know, hey,</p> <p>12 if I need to go get a drink or use the restroom or</p> <p>13 anything, it's gonna happen in five minutes.</p> <p>14 A. All right.</p> <p>15 Q. But at the same time, I understand that we're</p> <p>16 all prisoners in your bodies, and sometimes are bodies</p> <p>17 have other thoughts in mind more than our mind does,</p> <p>18 maybe you need to go to the restroom or get some water</p> <p>19 or something like that a little more urgently, and</p> <p>20 that's fine. If you really need to take a break, just</p> <p>21 let me know.</p> <p>22 A. Okay.</p> <p>23 Q. And at that time, what will happen is, if I</p> <p>24 have a series of questions that I'm on, I would ask that</p> <p>25 we finish that series of questions and then take the</p>

1 break. Does that sound fair?
 2 A. Yes, sir.
 3 Q. Okay. And so as far as today is concerned, do
 4 you have any questions about this deposition and what
 5 you're doing?
 6 A. No, sir.
 7 Q. Okay. Very good. If you come up with any
 8 throughout, please let me know.
 9 Are you currently on any medications or drugs
 10 or anything that would inhibit your ability to testify
 11 truthfully today?
 12 A. No, sir.
 13 Q. And moving on, you said that you had reviewed
 14 the audio recording of your call with Mr. Durham.
 15 Did you review any other documents or any other
 16 paperwork or anything else in preparation for today?
 17 A. No, sir.
 18 Q. And did you get a copy of the notice of
 19 deposition before appearing at this deposition today?
 20 A. No, sir.
 21 Q. So I'm gonna try to share my screen now.
 22 There's an a notice of deposition that was transmitted
 23 over to your attorneys. I'll open it up we'll quick.
 24 MR. BRACKETT: Okay. So, Madam Court
 25 Reporter, I request that you mark this notice of taking

1 A. Yes.
 2 Q. Okay. So it's pretty big?
 3 A. I see it.
 4 Q. And I didn't need to zoom in, but you see that
 5 I can, is that right?
 6 A. Correct.
 7 Q. Okay. But you can see it even now and you can
 8 read it just fine even when it's not zoomed in?
 9 A. Correct.
 10 Q. Okay. I'll be going through a few different
 11 documents today. I just want to make sure that you're
 12 able to see them. Sometimes I have deponents that are
 13 testifying on a cell phone.
 14 A. Okay.
 15 Q. It can make it difficult sometimes for them to
 16 read --
 17 A. Yeah.
 18 Q. -- what I'm trying to point out. So hopefully
 19 you can see everything. If at any time today you don't
 20 see what I'm asking you, please just say, I'm sorry, I'm
 21 not seeing that, can you zoom in or --
 22 A. Okay.
 23 Q. -- can you scroll down or anything like that,
 24 and I'll gladly help.
 25 A. Okay.

1 deposition of Ivan Jones by stenographer and/or
 2 videotape as Exhibit 1 to today's deposition. And, of
 3 course, I'll email these to you in the break. I
 4 apologize for not getting them the you earlier.
 5 BY MR. BRACKETT:
 6 Q. But there's a document on your screen. Do you
 7 see that now, Mr. Jones?
 8 A. Yes, sir.
 9 Q. And I'm gonna scroll through it. It's three
 10 pages total. I'll make it single page so that you can
 11 see all three papers. Have you seen this document
 12 before?
 13 A. No, sir.
 14 Q. It simply states that pursuant Rule 30(b)1 of
 15 the Federal Rules of Civil Procedure and agreement of
 16 the parties, plaintiff, by and through counsel, will
 17 take the deposition of National Credit Adjusters, LLC
 18 employee Ivan Jones by oral examination before a
 19 qualified notary public on May 14, 2024, at 9:00 a.m.,
 20 Hawaii Standard Time, and will be conducted via Zoom and
 21 recorded through stenographic or video means.
 22 Do you see all that?
 23 A. Yes, sir.
 24 Q. Okay. And are you looking at that on a
 25 computer screen now?

1 Q. And I know we've already established some of
 2 this, but my questions, I like to continue a flow of,
 3 who was your employer?
 4 A. National Credit Adjusters.
 5 Q. And how long have you worked there?
 6 A. Eight years.
 7 Q. What jobs have you had while working at NCA?
 8 A. I worked at the airport, but not for long at
 9 all, not for long.
 10 Q. Okay. And was that as an employee of National
 11 Credit Adjusters?
 12 A. No.
 13 Q. And in your job there at National Credit
 14 Adjusters, what positions have you held?
 15 I think you had previously testified today that
 16 you are an account manager.
 17 Have you been anything else since you were
 18 hired eight years ago?
 19 A. No, sir.
 20 Q. You've always been an account manager?
 21 A. Yes, sir.
 22 Q. When did you last go through a training?
 23 A. What did you say, sir?
 24 Q. When did you last go through a training there
 25 at NCA?

1 A. The last training that they had.
 2 Q. How long ago was that?
 3 A. Not really sure.
 4 Q. Was it over a year ago?
 5 A. No, it was more recent than that.
 6 Q. Was it sometime in 2024?
 7 A. Yes.
 8 Q. Okay. So sometime in the last four and a half
 9 months?
 10 A. Correct.
 11 Q. Okay. And what was that training on?
 12 A. Basically on rebuttals and how to overcome
 13 objections.
 14 Q. What do you mean by rebuttals?
 15 A. Just how to overcome objections when you get an
 16 irate person on phone and when someone's refusing to
 17 pay.
 18 Q. What did they teach you as to how to overcome
 19 those objections?
 20 A. Just to find out what the problem is and trying
 21 to come up with a solution and be courteous.
 22 Q. Anything else?
 23 A. No, sir.
 24 Q. So find out what the problem is, they're
 25 wanting you to get to the root of it?

1 the states you're calling in to?
 2 A. Absolutely, yes, sir.
 3 Q. What other kind of trainings have you received?
 4 A. We receive training on fraud disputes.
 5 Q. Okay. And what is a fraud dispute?
 6 A. Well, a fraud dispute is when someone calls in
 7 and they're stating that it wasn't them who took out the
 8 loan or they're calling in and we -- and they're not
 9 identifying, like if we don't have the correct date of
 10 birth or Social Security number or address.
 11 Q. And what happens at NCA if someone calls in and
 12 they can't correctly identify themselves?
 13 A. We're not able to continue the call. If they
 14 refuse to verify -- when they call in, we have to verify
 15 three pieces of information. And if they don't verify
 16 any of those information, we're not able to continue the
 17 call.
 18 Q. What kind of information do they need to
 19 verify?
 20 A. Their date of birth, last four of the social,
 21 and address.
 22 Q. Any other pieces of information work?
 23 A. We can verify an email or a telephone number
 24 that they called in on.
 25 Q. Do you guys have caller ID there?

1 A. That is correct, what is the reason why they
 2 feel that way and see if we can find a solution to them.
 3 Q. What kind of solutions can you offer?
 4 A. Solutions to -- how to make them pay their
 5 bill, feel comfortable paying their bill.
 6 Q. So the solution would be to help 'em figure out
 7 how to pay?
 8 A. That is correct.
 9 Q. How often do you go through training at NCA?
 10 A. We have training periodically on different
 11 areas.
 12 Q. And what do you mean by periodically?
 13 A. It could be -- not really sure.
 14 Q. So it's not every three months or six months?
 15 A. I would say every three months.
 16 Q. Okay. Is it always the same substance or is
 17 there different topics that they talk about in these
 18 trainings?
 19 A. No, it's different topics.
 20 Q. Have you ever received any training on the Fair
 21 Debt Collection Practices Act?
 22 A. Absolutely.
 23 Q. What about the Fair Credit Reporting?
 24 A. Absolutely.
 25 Q. And what about training on local state laws for

1 A. Yes, sir.
 2 Q. And so you see the number that they call from?
 3 A. Correct.
 4 Q. And when they call in, walk me through that --
 5 well, first off, I guess, tell me a little bit about
 6 what your work station looks like.
 7 A. My work station is clean. I don't have any
 8 papers on my work station. I don't have any type of
 9 information on my work station.
 10 Q. Do you have any pictures of your family or
 11 pets?
 12 A. No, sir. No, sir.
 13 Q. And has it been the same work station for the
 14 past eight years?
 15 A. No.
 16 Q. So you've moved a couple of times?
 17 A. Yes, sir.
 18 Q. And what is your work station like now or
 19 describe it to me if you could? I mean, let's say
 20 you're sitting -- are you sitting at your desk now?
 21 A. No, sir.
 22 Q. Okay. Are you in a conference room?
 23 A. Yes.
 24 Q. Okay. At a conference table?
 25 A. Well, I don't -- I'm not, per se, in a

1 conference room. I'm just sitting in another room with
2 a desk and a computer.
3 Q. Are you able to sort of show me from, you know,
4 moving around your computer there to sort of show me the
5 room you're in?
6 A. Oh, yeah. Oh, shoot.
7 Q. Looks like a nice office.
8 A. Absolutely.
9 Q. Who's office is that?
10 A. This is the office where they go over -- they
11 go over -- they evaluate people and go over calls for
12 people that needs -- probably needs improvement on calls
13 that they can work on to make them a better collector.
14 Q. Have you been in that office before?
15 A. Absolutely.
16 Q. How many times?
17 A. Very rare.
18 Q. So usually if you're going in that office, it's
19 because you've done something wrong or --
20 A. No, no.
21 Q. -- need to improve on something?
22 A. No, it's not that they did anything wrong. We
23 have -- like calls, maybe we're not making enough calls
24 or we're not getting contact with people or the promises
25 that we make, they try to help us to make it better in

1 those type of areas.
2 Q. So some of the reasons you might be called in
3 is if you're not making enough calls?
4 A. Correct.
5 Q. Or if --
6 A. If the group is at an average and you're not at
7 that average, yeah, correct.
8 Q. And what would an average be?
9 A. That we're making like what, 80 to 100 to 300
10 calls a day.
11 Q. So 80 to 300 calls per day?
12 A. Correct.
13 Q. So if you're making 300 calls a day, you're
14 probably doing better than the person making 80 calls a
15 day?
16 A. That is correct. Because the ratio that we do
17 is the more calls you make, the more people you get in
18 contact, and the more conversions you'll get, the more
19 money you'll get.
20 Q. How many hours is in a normal day for you?
21 A. Eight hours a day.
22 Q. So at NCA they understand the more calls you
23 can make, the more conversions you can get?
24 A. Well, the more calls you make, the more people
25 you can probably contact. And once we contact that

1 person, that's when we can see if we can convert 'em
2 into payers.
3 Q. How many calls do you make on average per day?
4 A. Well, I don't -- I'm on inbound. I'm on
5 inbound. I take all the inbound calls.
6 Q. Do you do any outbound calls?
7 A. I do. When I have to follow up on someone
8 either declines in the system or the check comes back
9 NSF, I would give them a call. I'll reach out to 'em.
10 Q. And in regards to the other part it you said,
11 need to help them get better promises or they help you
12 get better promises, is that right?
13 A. Yeah. Once we get contact, we try to set 'em
14 up on either for them to pay the bill or we set 'em up
15 on payment arrangements. That's a promise, when we get
16 someone to set up a payment arrangement.
17 Q. So when you make a call or receive a call on
18 behalf of NCA, you're looking for either a payment or a
19 promise to pay?
20 A. We're looking for them to either pay the bill
21 or we set 'em up on a payment arrangement. Or you get
22 some people who refuse to pay. Some people are not
23 working, they have problems in their life, so we're not
24 -- they're not able to set up a payment arrangement.
25 Q. What do you do in that situation?

1 A. We try to find the problem and see if we can
2 find a solution to it, just be courtesy to those guys
3 and professional. And whenever they're on -- you know,
4 get back on the right track, we have 'em give us a call.
5 You know, we don't want to shut the door. We leave the
6 door open for those guys and give 'em a good experience
7 to call back.
8 Q. Do you follow up with them?
9 A. No. Well, I don't, sir. Like I'm on inbound.
10 But, yes, people's lives change. Maybe at that time
11 when they called, they're not in a good situation. But
12 like, I mean, that's a part of life. Things change.
13 So, yes, we stay in contact with 'em, see if they're in
14 a better situation, or they'll give us a call back and
15 state that they found a job and they're willing -- they
16 want to set up a payment arrangement.
17 Q. So if you take an inbound call and they say
18 that they're not going to pay or not able to pay, do you
19 then code it in the system so that someone in the
20 outbound calls follows up with them?
21 A. Yes, sir, I do notate it, the reason why
22 they're not able to pay, and I mark it accordingly, and
23 we set up a follow-up callback.
24 Q. How soon would that follow-up callback happen?
25 A. I'm not really sure, sir. They might put it

1 back on the dialer system or we'll set it out for 30
 2 days.
 3 Q. When you say dialer system, are you referring
 4 to LiveVox?
 5 A. Correct.
 6 Q. And you guys use LiveVox there at NCA?
 7 A. Correct.
 8 Q. And when your outbound calls with LiveVox, is
 9 that a dialer that's being used?
 10 A. Yes, a dialer system. Yeah, they make the
 11 calls for us.
 12 Q. And does that system also use a prerecorded
 13 voice?
 14 Like does it have a machine that says, this is
 15 an important call, you know, please stand by, a
 16 representative will be on the phone shortly?
 17 A. I'm not sure about that, sir.
 18 Q. Okay. I need to ask one --
 19 A. I just know my experience with the outbound is
 20 -- yeah, when a person answers, like, I mean, we're
 21 sitting there, and it just answers and someone says
 22 hello, and then that's when we ask for that particular
 23 person.
 24 Q. I see you're wearing a headset. Do you wear a
 25 headset in your normal day-to-day work there at NCA?

1 A. Correct.
 2 Q. And I can hear you very clearly, so that
 3 probably helps, right?
 4 A. Absolutely.
 5 Q. And you can hopefully hear me very clearly this
 6 way, too?
 7 A. Correct.
 8 Q. And going back to your work station, how big is
 9 the space in front of you when you're out on the floor
 10 and working in your normal day-to-day work there at NCA?
 11 A. Space, like this, like a cubicle.
 12 Q. Do you have walls on both side of you?
 13 A. Correct.
 14 Q. Is there another representative to your right?
 15 A. Correct.
 16 Q. And another representative to your left?
 17 A. That is correct.
 18 Q. And how large do you think your cubicle is?
 19 You said about this big. So three feet, four
 20 feet wide?
 21 A. That is correct. I would say that.
 22 Q. And do you have a computer?
 23 A. Yes.
 24 Q. And you said you don't have any papers, you
 25 keep it clean?

1 A. Correct.
 2 Q. And what else? I mean, what color are the
 3 cubicle walls?
 4 A. Grayish.
 5 Q. And what else is on your desk other than the
 6 computer?
 7 A. You have the keyboard and a mouse.
 8 Q. Do you have a separate phone?
 9 A. No, sir.
 10 Q. So the phone goes through the computer?
 11 A. Correct. Yeah, we don't have phones on our
 12 desk.
 13 Q. And have you ever worked on the outbound team?
 14 A. Yes, I have.
 15 Q. And in regards to the outbound team, you said
 16 that when they say hello, that's when you respond.
 17 Is that when your computer will generate the
 18 information about the person?
 19 A. Correct, correct.
 20 Q. And so they say hello. Have you ever in the
 21 outbound team heard them saying hello multiple times
 22 like, you know, they're looking for someone to respond?
 23 A. No. When they say hello, that's when we ask
 24 whatever name pops up on the screen.
 25 Q. That happens pretty quick, right?

1 A. It does.
 2 Q. I worked for BellSouth FastAccess in their
 3 customer service department for a while and similar type
 4 situation, you know, we check in on people.
 5 A. Yes.
 6 Q. And I've been at that cubicle.
 7 A. Yeah, it's back-to-back-to-back, back-to-back
 8 calls. Like as soon as you get off one, ding, there
 9 goes another one.
 10 Q. Right. As soon as you end this call, another
 11 one's coming, right?
 12 A. Absolutely.
 13 Q. And you're supposed to make notes for every
 14 call, right?
 15 A. Absolutely.
 16 Q. Okay. And do you use shorthand?
 17 A. No, sir. We just talk and type.
 18 Q. Oh, that's nice. That's way better than I had
 19 it.
 20 A. Yeah, yeah, we talk and type.
 21 Q. Okay. So you're sitting there on your computer
 22 typing as fast as you can?
 23 A. No, we are. We're typing exactly what the
 24 conversation is about. We're putting in our
 25 Mini-Miranda notes, our quality assurance, and that we

1 verified three pieces of information. While on the
2 outbound, we just have to verify just a piece of
3 information, and we notate everything. And we ask them,
4 you know, would they like to pay their bill. And we
5 just talk and type. And that's how you get past most of
6 the calls.

7 Q. And it comes at you rapid pace?

8 A. Yeah, the wrap, the wrap time. We want to
9 eliminate the most wrap time, that is correct.

10 Q. And just for those that don't understand what
11 wrap time is, can you explain it to us?

12 A. Well, wrap time is basically is when you hang
13 up the phone with an individual, and some people they
14 don't talk and type, so wrap time is how many seconds
15 before you get to the next call.

16 Q. And how many seconds does it take for you to
17 get to the next call on average?

18 A. I talk and type. As soon as I -- my wrap time
19 is 10 seconds, 9 seconds.

20 Q. Wow, that's amazing.

21 A. Yeah.

22 Q. So as soon as one of 'em is done, you're on the
23 next one?

24 A. Yes, sir.

25 Q. Awesome. And as far the wrap time, that's

1 Q. Okay.

2 A. It's just I might have more promises than you.
3 I might have more contacts than you.

4 Q. And that's what it's about, right, promises?

5 A. Yes.

6 Q. Contacts?

7 A. It's making contact.

8 Q. The more contacts, the more promises?

9 A. There you go. Yes, sir.

10 Q. And when you get those promises, do they keep a
11 tally of how many promises each of you get?

12 A. Absolutely.

13 Q. Okay. Do they keep a tally of how many
14 pavements someone gets?

15 A. Absolutely.

16 Q. Is there a board there in the room that would
17 show Ivan Jones and all of the other reps and how they
18 did --

19 A. No, sir. No, we don't have a board. That's on
20 our computer. Everyone has their individual stats that
21 they can see on their computer.

22 Q. That's exciting. So it's sort of like a video
23 game, you get more and more points?

24 A. Absolutely.

25 Q. So how many promises is a good day?

1 gonna slow it down over all, right? I mean, the longer
2 you're in wrap time, the less calls you can make per
3 day?

4 A. There you go. That's it. Yes, sir.

5 Q. And they don't want you going into overtime?

6 A. No, there's no overtime here.

7 Q. So you've gotta get it done in eight hours,
8 whether it's 80 calls or 300?

9 A. That is correct.

10 Q. And if it's below 80 calls, then you get called
11 in that room you're in now?

12 A. Yes, sir. On the average, if you're below the
13 average, yes, sir. What are you doing at your desk?
14 Not moving from account to account.

15 Q. And you say average, that sounds like my law
16 school first year. They graded on a curve. So
17 basically it wasn't how smart I was. It was how smart
18 everyone in my room is and me compared to them.

19 A. That is correct.

20 Q. Okay. So you may be on a real fast-paced team,
21 and you gotta get faster?

22 A. That is correct, if you want to keep up.

23 Q. Okay. Otherwise, would they move you to
24 another team or what would happen?

25 A. No, no, no, we're all on the same team.

1 A. Well, for me a good day is 20 promises.

2 Q. Yeah, that sounds pretty good.

3 A. Yeah, 'cause I'm on inbound. So people call
4 in, I'm just calling to pay my balance.

5 Okay, ma'am.

6 That's like a laydown, you know, yeah. So
7 that's just -- I'll be off that call in two minutes and
8 two seconds.

9 Q. That's the ones you want?

10 A. Yeah, those are the ones you want. But the
11 outbound, the outbound people, a good day for those
12 guys, I would say about 10 promises would be a great day
13 for them.

14 Q. It's almost like cold calling for them?

15 A. No. It is, it is, it is like cold calling,
16 yep. It's a numbers game.

17 Q. They don't know whether the person that they're
18 calling has heard from you before or never heard of NCA
19 ever?

20 A. They might have received a -- our validation
21 letter.

22 Q. Okay.

23 A. Yeah.

24 Q. Hopefully they know something?

25 A. Absolutely.

1 Q. And if they already are aware, then that makes
 2 your lives and your jobs a lot easier?
 3 A. A whole lot easier, yes, sir.
 4 Q. Because we all get those calls.
 5 A. Yeah, yeah.
 6 Q. What are you calling about?
 7 A. Okay. I'm looking for this person.
 8 No, we have the wrong number or, no, he's not
 9 here.
 10 And you might just be talking to that person.
 11 Q. Right.
 12 A. It's something else. These people are
 13 something else these days.
 14 Q. Yeah. So you've gotta sort of, you know,
 15 double check 'em, right?
 16 A. Absolutely. That's where that verification
 17 process comes in.
 18 Q. And when you're making the outbound calls there
 19 at NCA, do you start out with saying, I'm a debt
 20 collector and I'm trying to collect this debt, or how
 21 does it begin?
 22 A. Yeah, that's the -- that's the Mini-Miranda.
 23 Q. You wouldn't do that right off the bat, though,
 24 would you?
 25 A. No, sir, we have to verify first that we have

1 the right person before we can go into that.
 2 Q. Okay. And on the outbound calls, that
 3 verification would be at least one bit of information
 4 that lines up, right?
 5 A. That is correct.
 6 Q. Could it be just a name?
 7 A. No. We -- no. It would have to either be the
 8 date of birth, last four of the social, or the address,
 9 one of those three.
 10 Q. And if you get one of those three, then you can
 11 start?
 12 A. Yes, sir.
 13 Q. Give 'em the Mini-Miranda, tell 'em why you're
 14 calling, ask for a payment?
 15 A. That is correct, yeah. Identify the creditor
 16 and, yes, sir.
 17 Q. And when NCA calls, who is the creditor?
 18 A. We deal -- we deal with different -- we deal
 19 with payday loans.
 20 Q. Is that the entirety of what NCA purchases?
 21 A. For the most part, yes.
 22 Q. Have you ever seen a car loan?
 23 A. Absolutely, yes, I have.
 24 Q. What about --
 25 A. Yeah, they --

1 Q. Oh, go ahead.
 2 A. Yes, yeah, we do car loans.
 3 Q. Personal loans, car loans?
 4 A. Personal loans, yes, yeah, and -- yeah. 'Cause
 5 I do see in the notes that it is a car -- it's a car,
 6 they're trying to look -- wanting their title back,
 7 absolutely, yes, sir.
 8 Q. Payday loans, car loans, personal loans, any
 9 other accounts that you've collected there at NCA?
 10 A. No, sir. Well, it's -- we do Total Visa.
 11 Q. Oh, okay.
 12 A. Yeah, yeah, we do Total Visa. It's basic stuff
 13 like that.
 14 Q. That's a new one for me. Do you know anything
 15 about Total Visa?
 16 A. I mean, Total Visa, it could be like a Verve,
 17 MasterCard, could be some type of, you know, MasterCard
 18 or, you know, some type of card, MasterCard or Visa.
 19 Q. And so when you get there each day, do they put
 20 into the system, like all of these particular type of
 21 accounts and say, hey, you're working this kind of
 22 account today?
 23 A. No, we flip everything. They put it on the
 24 auto dialer system. I don't know how they set it up in
 25 the morning with those guys for the dialer campaign.

1 But, no, we come in, and we're -- they're flipping it.
 2 We're running. And whatever pops up, that's what we go
 3 on.
 4 Q. How many people are in the room that your
 5 cubicle is in?
 6 A. 17.
 7 Q. Are there other rooms with more employees --
 8 A. No, no, no, we're all on the same floor.
 9 Q. Is it in a business park?
 10 A. Yes.
 11 Q. So 17, is that the individuals like yourself,
 12 the --
 13 A. The account managers, yes, sir.
 14 Q. And do they work in shifts?
 15 A. Yes, sir.
 16 Q. After your eight-hour shift is over, does
 17 someone else sit at your cubicle?
 18 A. No, sir.
 19 Q. So they have their own assigned cubicles?
 20 A. Correct.
 21 Q. And so 17 people at a time, but there are other
 22 empty desks as well?
 23 A. Correct.
 24 Q. For the next shift that's coming?
 25 A. No, there's no other shift. The office is open

1 from 7:00 to 5:00, Pacific Standard Time.
 2 Q. And you guys start calling right at 7:00 a.m.?
 3 A. Correct.
 4 Q. Some of those calls probably going to the East
 5 Coast?
 6 A. That is correct. Yeah, I think it's a
 7 three-hour time zone difference.
 8 Q. I'm sorry. You're audio cut out there. I
 9 heard three time zone difference and then something
 10 else?
 11 A. No, it's just -- yeah, East Coast, I think, is
 12 a three-hour time zone difference from Pacific Standard
 13 Time.
 14 Q. And the dialer will know where to dial and
 15 when?
 16 A. Absolutely. Yeah, it won't let us dial if
 17 it's, you know -- it's not -- we have to dial in the
 18 states that's from 8:00 a.m. to 9:00 p.m. their time.
 19 It won't let us dial if it's not around those times,
 20 8:00 in the morning their time.
 21 Q. I know people move around a lot now. Like I'm
 22 in Hawaii, but I've got an east Tennessee telephone
 23 number. Is it based on telephone numbers?
 24 A. Not really sure.
 25 Q. Have you ever had an outbound call where

1 A. Yes, it is hourly, and plus commission.
 2 Q. What is your hourly rate?
 3 A. I'm at \$25 an hour plus commission.
 4 Q. And then as far as the commission, how does
 5 that work?
 6 A. We have a -- well, my goal, we have a specific
 7 goal, and once we achieve that goal, and anything we get
 8 over that goal we get a certain percentage.
 9 Q. What percentage on average?
 10 A. What is it? I think it's 4 percent,
 11 4.5 percent, something like that.
 12 Q. And that's 4 to 4 1/2 percent of what you --
 13 A. Of -- yeah. My goal is, we have to -- it's
 14 \$54,000 we have to bring in house before anything.
 15 After that, we get that 4 percent in our pocket.
 16 Q. And is that per week?
 17 A. No. That's for the month.
 18 Q. Okay.
 19 A. Yeah, that's for the month. I think I'm
 20 clearing like 140 -- 140,000 a month.
 21 Q. You're a stellar employee there?
 22 A. I'm the top gun. I'm the top dog in my pool.
 23 I collected \$844,000 last year. I was number one in
 24 Chandler in the whole company of inbound people.
 25 There's about 11 of us on the inbound. So I did great.

1 someone said, hey, this is too early?
 2 A. You know what? Yes, sir. That happened, that
 3 happened before. It's very rare. And actually, I mean,
 4 you're right. It does, 'cause people do move, so the
 5 area code might be different, yes, sir.
 6 Q. And I guess the inverse could happen, too,
 7 maybe too late? Probably less rare.
 8 A. Yeah, I've never really had that happen.
 9 Q. How many days do you work each week?
 10 A. I work Monday through Friday.
 11 Q. Does anyone work there on the weekends?
 12 A. No, sir.
 13 Q. How many breaks do you get each day?
 14 A. I don't take a break. I'm inbound. I try to
 15 maximize my efforts on the phone. The only break I take
 16 is when I'm going to the bathroom, and I take an hour
 17 lunch.
 18 Q. Are there days where you don't even take that
 19 hour lunch?
 20 A. No, sir. Well, on Fridays I don't take a
 21 lunch. I just work 7:00 to 3:00 on Fridays.
 22 Q. How are you compensated?
 23 A. We get a regular -- we get a regular base
 24 salary plus commission.
 25 Q. So it's not hourly?

1 I did a good job last year, yeah.
 2 Q. That's fantastic. And so when you collect
 3 844,000, that pushes your salary up quite a bit, I would
 4 assume?
 5 A. Yeah. I mean, yeah.
 6 Q. A good amount of bonus?
 7 A. I got a raise, you know. I got a raise. You
 8 know, they give you these little plaques at the end of
 9 the year and give you a little compensation for your
 10 efforts and your good work performance. So, yeah.
 11 Q. And you said something there, you're in
 12 Chandler.
 13 A. Uh-huh.
 14 Q. Where are the other locations for NCA's call
 15 centers?
 16 A. They have one in Peoria, Jamaica, and the
 17 corporate office is in Hutchinson, Kansas.
 18 Q. The corporate office is there. Do they also
 19 have a call center there?
 20 A. Yes. It's four offices; Chandler, Peoria,
 21 Jamaica, and Kansas, Hutchinson, Kansas.
 22 Q. So you're one of the ones that's doing around
 23 300 per day, if it were outbound maybe. But inbound you
 24 said is difference, so I'm sorry. That's a weird
 25 question. Strike that.

1 How many inbound calls do you receive on an
 2 average day?
 3 A. Yeah, that's -- about that, the 300. That's on
 4 a good day, you know. Some days it's a little bit
 5 slower. It might be slower.
 6 Q. What's a slow day?
 7 A. I'd say a hundred.
 8 Q. Who do you report to?
 9 A. Who is my manager?
 10 Q. Yes.
 11 A. Mike Ohlund and Tricia.
 12 Q. How many bosses do you have?
 13 A. There's what? One, two, three. Three.
 14 Q. So Mike Ohlund, Tricia, and?
 15 A. Karl.
 16 Q. Do they listen to your calls?
 17 A. Absolutely.
 18 Q. Do they direct you on what to say?
 19 A. No.
 20 Q. Do you have a script?
 21 A. Yes. I mean, we have a verification script
 22 when we take our payments. We have a verification
 23 script, but we don't like have a script when we talk to
 24 these guys.
 25 Q. So NCA sort of gives you guys some freedom to

1 Q. What is that script?
 2 A. Well, it's a script if they're paying -- if
 3 they're making their payment good today, they're paying
 4 it off, we have a script that if we're doing recurring
 5 payments, and we have a script if it's a future date.
 6 Q. And I bet you've read that script a bunch of
 7 times?
 8 A. I'm out of breath every day, over and over and
 9 over again.
 10 Q. Do you remember it?
 11 A. I -- yeah, I remember it sort of. But I
 12 still -- we have to read it verbatim. We can't miss not
 13 one word.
 14 Q. Okay. Do you think you could restate it here
 15 now without seeing it in front of you?
 16 A. To confirm our records are correct, I'm going
 17 to repeat the information that you gave me. Hold on. I
 18 know this. Hold on.
 19 To confirm our records are correct -- not all
 20 of it, sir. Not -- I couldn't do it verbatim. I would
 21 have to -- I always look at it and read the script
 22 'cause it's different ones, so it has different verbiage
 23 on each one.
 24 Q. Sure. And I'm sorry to put you on the spot
 25 there.

1 say it how you feel like it's most appropriate?
 2 A. No, we -- well, we have to, you know, go by the
 3 rules and regulations, and we have to, you know, do the
 4 Mini-Mirandas and the verifications right. And we go
 5 into the call, courtesy, we -- we're very professional
 6 when we're talking to these people. We try to help
 7 these guys. That is our job is to help them and find a
 8 solution to pay their bill.
 9 Q. Do you guys have -- I think you mentioned
 10 there's some procedures. Are there processes or
 11 procedures that are taught to you there at NCA?
 12 A. Absolutely.
 13 Q. What kind of policies does NCA have?
 14 A. There's a lot of policies. We have a policy
 15 for fraud. We have a policy for disputes. We have a
 16 policy for credit consumer counseling. We have -- it's
 17 a lot of policies that we have to adhere to 'cause each
 18 call could be different.
 19 Q. One of the policies is verification, right?
 20 A. Absolutely.
 21 Q. Verification not only of who the individual is
 22 that you're speaking to, but also their payment? I
 23 think you mentioned payment verification or?
 24 A. Yeah, that's our -- we have a script, a
 25 verification script when we take a payment, yes.

1 A. Yeah, yeah, you did. You got me on that one.
 2 Q. If anyone knew.
 3 A. No, no, you got me on that one. I know that.
 4 Yeah, you got me on that one. But for the most part, I
 5 always read the script because quality assurance is
 6 listening -- they're listening to all of our calls, so
 7 we have to say it verbatim. We can't miss not one word
 8 or we get dinged for that.
 9 Q. Yeah. They don't want you going off script,
 10 right?
 11 A. No, they don't want us going off script.
 12 Q. You can get in trouble that way?
 13 A. Yeah, you get dinged.
 14 Q. And what's a ding?
 15 A. Basically you missed a word or you didn't say
 16 this, so they just want to bring it to our attention
 17 just to make sure we don't do it again.
 18 Q. How many dings do they allow?
 19 A. It's every time if you're not reading that
 20 script verbatim. Every time.
 21 Q. And if you have five dings, is that too many?
 22 A. No. No one's gonna have five dings if they're
 23 reading it verbatim. No one is gonna have that. It's
 24 like repetitious to us. We read that thing over and
 25 over again every day all day. So that's -- we don't

1 have that problem of that sort. But if you do miss one
2 word, they'll bring it to your attention, like you have
3 to say this word or you forgot this word or, you know,
4 be like sorry. Okay. Won't happen again, you know.
5 Q. Have you ever seen 'em let someone go because
6 too many dings?
7 A. No, no, no.
8 Q. They need the employees, right?
9 A. Huh?
10 Q. They need those employees, right?
11 A. Oh, absolutely, absolutely.
12 MR. BRACKETT: All right. It's 10:03. So
13 let's take a five-minute break. Is five minutes enough
14 time?
15 THE WITNESS: Absolutely. We can keep
16 going if you want to. But five minutes is cool.
17 MR. BRACKETT: Right. Let's come back at
18 10:08. That way I get a chance to take care of
19 business. I'll be back here shortly, and we'll get back
20 on the record in just a few minutes.
21 (Off the record from 10:04 to 10:18.)
22 MR. BRACKETT: All right. Let's get back
23 on the record. It's 10:18 a.m. here in Hawaii.
24 BY MR. BRACKETT:
25 Q. Mr. Jones, did you have a chance to talk with

1 make sure that we're doing the right thing on the phone.
2 Q. And in regards to talking with a third party,
3 what is NCA's policy?
4 A. Well, we have to get permission from the
5 customer first to talk to that individual, and we have
6 to state a policy. We have to read them a script that
7 they're giving us permission to talk -- from the
8 customer that they're giving us permission to talk to
9 this person, and then that person gets on the line. We
10 let 'em know that they're on a recorded line and that
11 the customer gave us permission to talk to them, and if
12 that's okay with them.
13 Q. Okay. And so it is possible for NCA to talk
14 with a third party, but they just have to get the
15 customer or consumer's --
16 A. Permission to talk to 'em, yes, sir. And if
17 we're using their information, banking information, they
18 would have to provide us with that information, not the
19 customer.
20 Q. Okay. And in regards to these calls involving
21 third parties, is it possible for NCA to call out and
22 put the customer on, you know, a three-way call?
23 A. That is correct. They could do that.
24 Q. And so if the customer is saying, hey, I filed
25 a police report, please just call the police department

1 your attorney during the break?
2 A. No, no, sir.
3 Q. You didn't talk to Mr. Bach or anything?
4 A. No, sir.
5 Q. Very good. Of course, you're still under oath.
6 You understand that?
7 A. Yes, sir.
8 Q. Very good. Did you talk with anyone else
9 during the break?
10 A. No, sir, I went to the bathroom and came back.
11 Q. Very good. All right. Before the break, we
12 were talking about some of the policies and procedures
13 there at NCA. You identified, I think, four different
14 topics there. One of them was fraud, another was
15 dispute, then credit or consumer counseling, and
16 verification. Are there any other policies that you're
17 aware of there at NCA?
18 A. Talking to third parties. Talking to third
19 parties. We have a lot of -- lot of policies, a lot of
20 different policies.
21 Q. Okay.
22 A. But those are the ones that I'm aware of.
23 Well, I'm aware of all of 'em, but it's like it's --
24 those are the ones that really stand out that we work
25 on, bankruptcy, bankruptcy policies, that we work on to

1 and let's verify this, then NCA could do that?
2 A. I never -- I never had that happen. I never
3 had someone say, let's call. If they have a police
4 report, that has -- most likely that has to do with a
5 fraud. 'Cause that's -- if it's a fraud account, we
6 either ask them either go to IdentifyTheft.com [sic] and
7 obtain a fraud report from there or they can go to a
8 police station and file a report. And we have to have
9 that report within 30 days.
10 Q. And so you have to have the report within 30
11 days. Is it -- backing up to my previous question, is
12 it possible for NCA while on the phone with a customer
13 to reach out to the police station and, you know, have a
14 conversation with the police department in addition to
15 the customer?
16 A. Well, I've never had that happen before, but if
17 that -- if they wanted to call the police station and if
18 they have an individual, we would still need their
19 permission to talk to that person or whoever. We would
20 have to go through that scenario. As long as they give
21 us permission to talk to whoever, then we can talk to
22 that person, and we have to read them the script that
23 they're giving us permission, and we have to ask them,
24 do we have their permission as well to talk to them.
25 Q. So it is possible?

1 A. It's -- yes.
 2 Q. A customer could say, hey, I've got a police
 3 report, like you requested. I don't have it here
 4 personally, but I'd like for you to be on the phone with
 5 me. Let's call the police department, and let's talk
 6 with them. You guys could patch in a third-party police
 7 department at that time?
 8 A. Well, they would have to do that. We don't do
 9 that. They would have to do that. And, yeah, if they
 10 verify -- if they give us permission to talk to whoever
 11 that person is, yes, sir. But if it's -- if they have a
 12 police report, we would -- we have an email where they
 13 need to send that police report to. And that's
 14 info@ncaks.com. And that's the fraud report. So
 15 anything that they have, so, I mean, if they have one,
 16 we direct 'em there. That's where they need to send it
 17 to, send the report, fraud report to, to that email.
 18 Q. So for the fraud process, NCA's procedure is
 19 either get the IdentifyTheft.com statement or the police
 20 report, is that right?
 21 A. That is correct. Yeah, we send 'em to
 22 IdentifyTheft.com.
 23 Q. Is it IdentifyTheft.com or .gov?
 24 A. That is correct. It's .gov, that is correct.
 25 Q. I wasn't trying to trick you there. I thought

1 Q. I didn't -- oh, go ahead.
 2 A. Yeah. But we would need, you know, some type
 3 of report for them to email us at that info@ncaks.com.
 4 Q. And you said that's the fraud department. Do
 5 you know what the KS stands for?
 6 A. It's Kansas.
 7 Q. Okay. So that's where their corporate office
 8 is there in Hutchinson, right?
 9 A. Correct.
 10 Q. So they would need to email it to their
 11 corporate offices there in Kansas?
 12 A. That is correct.
 13 Q. And until they email that police report, does
 14 NCA take the position that the account is still valid?
 15 A. Well, I'm not really sure. I'm not really
 16 sure. I know we would notate it as such even though --
 17 even though that they -- if they state that it's a fraud
 18 account and they don't have a fraud report, we still
 19 notate it as such and we still put it in a fraud status.
 20 Q. What does that fraud status do within NCA?
 21 Does that mean that no more calls go out?
 22 A. That is correct.
 23 Q. And that they notify the credit bureaus?
 24 A. I'm not sure. I'm not sure about that one.
 25 I'm not -- I'm not sure about that one.

1 so, too. I was reading --
 2 A. No, it is .gov.
 3 Q. -- .com. I'm sorry about that. I didn't mean
 4 to say the wrong thing. But, yeah, IdentifyTheft.gov.
 5 A. No. I said the wrong thing. I said .com. I
 6 should have said .gov. That is correct, it is .gov.
 7 Q. And so what if the consumer says, well, I don't
 8 have the report yet, but I have a police report number,
 9 then what is the process?
 10 A. They don't have the report but have a police
 11 report number. I've never experienced that, eight
 12 years. I'm not really sure about that one, sir. I
 13 would ask a manager. And if there's anything that I
 14 don't know, I'm gonna refer it to my manager and get the
 15 proper answer to it.
 16 Q. Would NCA direct you to get the police report
 17 number?
 18 A. Yes, yes. I mean, I would write down the
 19 police report number, yes.
 20 Q. It would be real easy to put that into the
 21 notes there at NCA, right?
 22 A. That is correct.
 23 Q. And that adds a little validity to their
 24 statement, right?
 25 A. That is correct, but --

1 Q. What else do they do? When you have are
 2 someone say, hey, this wasn't me, how do you handle that
 3 as an employee there at NCA?
 4 A. If it wasn't me, we would verify all of the
 5 information. We would verify, again, date of birth,
 6 last four of the social, address. We would go to the
 7 account details where they have the banking information
 8 where the money was put into. We would verify that. We
 9 would verify if they had a previous employment when they
 10 filled out the application. If we have that, we would
 11 verify that information. We would let them know the
 12 date that it was open. We would let them know the last
 13 payment they made to the client. And, yeah.
 14 Q. And what if some of this information doesn't
 15 match up? Like, for instance, I know in Mr. Durham's
 16 case, he said, that's not my bank. I don't have a bank
 17 account at Truist. So at that point in time, what is
 18 the process that you're supposed to follow as an NCA
 19 employee?
 20 A. I mean, basically, we're gonna put it into a
 21 dispute status and request that the docs be sent out to
 22 him. He wanted to see the agreement that -- a
 23 signature. And that's when we put it in the dispute
 24 status and we request that the docs be sent out to him.
 25 And if we have the docs, if we had the media already in

1 house, a manager will send it out immediately. If not,
2 if we have to wait for the docs from the client, it
3 might take -- I've seen it take a long period of time
4 for them to get the docs over to us. We have to wait
5 for those docs to come. And then they'll mail it out to
6 the customer and show them the proof that they do owe
7 it.

8 Q. And if it takes months, potentially for the --
9 strike that.

10 If there's a potential, the consumer says, this
11 is fraud, this isn't me, then you guys put it in dispute
12 status, is that right?

13 A. Well --

14 Q. Or do you put it in --

15 A. If he didn't request that he wanted to see the
16 contractual agreement, if he wants -- he wants the proof
17 that he did this. So that's when we have to provide him
18 with the proof, and that's the contractual agreement
19 that he signed or someone signed or they might have
20 fraudulently signed his name. But we have to show him
21 the validity of the debt and show him the proof of that
22 agreement.

23 So either we have it on the media and the
24 manager will send it right out to him. But if we have
25 to wait and get it from the original creditor, then we

1 Q. And the NCA process or procedure, as far as you
2 understand it, would keep it in that status until the
3 documents were received?

4 A. That is correct.

5 Q. At which time, then the documents go out, the
6 consumer has what they asked for, and then you can start
7 calling them again?

8 A. Well, if it's a valid dispute and they prove to
9 him that he does owe it, yes, they will move it back to
10 the floor for us to collect on.

11 Q. And who makes --

12 A. And it would show in our notes that we mailed
13 him the information of the proof, and then they would
14 take it out of dispute and move it back to the floor for
15 us to collect on. And most likely normally when that
16 happens, when they receive the letter -- I mean, when
17 they receive our docs and they see everything and they
18 see their signature or whatever, then they'll call us
19 back and be like, okay, what can I do to resolve this?

20 Q. And who makes the decision there at NCA to move
21 it back to the floor?

22 A. I have no idea.

23 Q. But that's not your decision to make?

24 A. No, sir. No, sir.

25 Q. And as far as you there on the floor, you would

1 have to wait for that to come.

2 Q. And how long is his account in a dispute status
3 then there at NCA?

4 A. Until we receive that agreement, until we get
5 the docs, and we send it right out to those guys. And
6 then if it --

7 Q. So that --

8 A. Go ahead, sir.

9 Q. Go ahead. Sorry.

10 A. No. What was you gonna say, sir?

11 Q. I was gonna ask in regards to that, I was
12 flipping through some of the stuff, and I thought that
13 the NCA process was that it flags it as disputed for 30
14 days. So for 30 days they won't make any more outbound
15 calls or --

16 A. That's correct, that's correct. They won't
17 make any outbound calls, but it's still gonna remain in
18 a dispute status until we can provide 'em with the
19 information that he wants.

20 Q. And after the 30 days, then the calls can start
21 again?

22 A. No, sir. I have -- I'm not really sure about
23 that. But -- no, no, we can't make calls. It's still
24 in a dispute status after 30 days. I've seen it in
25 dispute status after 30 days.

1 just see that, hey, this account is back in here and
2 we're collecting it again, right?

3 A. It would have in the notes that they mailed out
4 the media to -- the information to those guys, and,
5 yeah, and they would see it. It would be out of dispute
6 and moved back to the floor, and it's stated there in
7 the notes. And they would take it out of dispute.

8 Q. While it's in dispute status there at NCA, do
9 they continue to report on credit of the consumer?

10 A. I'm not really sure, but I -- yes, I have seen
11 it still. When we go to credit reporting, it's either a
12 yes or no there that they -- that the account is credit
13 reporting or not, yes.

14 Q. You've seen it before where it's still being
15 reported on the credit in spite of the fact that it's in
16 a dispute status?

17 A. Yes.

18 Q. And even in spite of the fact that it may be in
19 a fraud status?

20 A. Not really sure, but, yes. I'm not really sure
21 about the fraud. But --

22 Q. Until you get the IdentifyTheft.gov affidavit
23 or the police report, NCA assumes the debt is still
24 owed?

25 A. That is correct.

1 Q. By that individual?

2 A. That is correct. Until we receive that,
3 they -- yes, they will assume. But we still give them
4 the courtesy and we still move it to, you know, that
5 department until we can receive that information.

6 Q. So even though it may be in one of those
7 departments, you there on the floor can still receive
8 calls from the consumer?

9 A. Correct.

10 Q. And you can still talk to the consumer?

11 A. Correct.

12 Q. And still work with them to try to help them
13 resolve the issues?

14 A. That's if they're willing to take it out of
15 that status. And we have to ask them, is this something
16 that you want us to do? Do you want us to remove the
17 dispute? Do you want us to remove the fraud status, and
18 would you like to resolve it? Yes. And if they say
19 yes --

20 Q. Beside -- oh, go ahead. If they say yes?

21 A. If they say yes, then we will proceed in trying
22 to help them rectify the situation.

23 Q. But it's not required that you transfer it to a
24 special dispute department?

25 A. No, sir.

1 their date of birth, Social Security number -- the last
2 four of their social, and date of birth, address. It
3 gives them the creditor's name, the amount that's owed.
4 And then it has the notes on there, on the side of it,
5 it has the date -- that we hit a box, and it shows us
6 the date that it was opened, the last payment that was
7 made on the account.

8 We can go to details and show, you know, what
9 bank the money went into. They have references that
10 they put on the application.

11 Yes, we have all that information. And then we
12 have all the previous notes, the date, the time the
13 calls were made. We have all the notes and previous
14 notes in the system.

15 Q. You said it shows the last four of the Social
16 Security number. Does it show the entire Social
17 Security number?

18 A. No, sir. It's just the last four.

19 Q. Is there ever an occasion that you need to get
20 the full Social Security number to verify who someone
21 is?

22 A. Yes, sir. Yes, sir.

23 Q. So you can see the full Social Security number
24 on your screen?

25 A. No, sir. That's if they provide us for -- if

1 Q. Or it's not required at NCA if it's flagged as
2 fraud that you transfer the call to some special fraud
3 department?

4 A. No, sir. If they ask us to take it out of
5 dispute or fraud, we are able to move forward with the
6 call.

7 Q. You guys can talk to 'em even if they don't ask
8 if it's just a situation where they've called, and you
9 don't know -- I guess you probably -- strike that.

10 You probably do know who it is that's calling
11 by the caller ID, right?

12 A. Sometimes, if the number is associated with the
13 account, it will pull the account right up.

14 Q. And it will populate it right there on your
15 screen?

16 A. That is correct. We have to --

17 Q. Have their lien?

18 A. Absolutely. We have to go through the
19 verification process just to make sure that we're
20 talking to the right person before we can proceed, yes,
21 sir.

22 Q. So as an inbound call operator at NCA, when you
23 receive a call, what does your screen look like? You
24 know, can you describe some of it to me? Like what --

25 A. It just gives 'em their name, their address,

1 they provide us the social, like if they're calling in,
2 and if they don't have like a letter with the account ID
3 number, I would ask 'em, let me have your social. If I
4 can't -- sometimes you click on the number, you know,
5 numbers change, people numbers change so it's not coming
6 up 'cause they -- that number was two, three, four, five
7 years ago. So then that's when I would ask 'em for
8 their full social to bring up account, and it populates
9 it immediately.

10 Q. Oh, okay. So your system is set up so that you
11 can either type in the account number that NCA has
12 applied to the account or the full social?

13 A. That is correct.

14 Q. What else could you type in to pull up a
15 customer's account?

16 A. The client account ID number. We could do
17 that. And obviously their first and last name. We
18 could try it that way. If it doesn't come up, then most
19 likely they're not in our system or we have the wrong
20 number or we have the wrong person.

21 Q. And if it's the wrong person or the wrong
22 number, what happens?

23 A. Yeah, we take their number immediately out of
24 the system, apologize for the inconvenience. You know,
25 some calls we make we're dialing kid's phones, you know,

1 cell phones, or they just got the number. So we have to
2 immediately take it out of the system and apologize for
3 the inconvenience.

4 Q. You wouldn't want to tell them you're a debt
5 collector?

6 A. No. No, we don't tell 'em that we're a debt
7 collector.

8 Q. And as far as the notes when you have a --
9 backing up. So typically the very first thing that you
10 see is going to be their name and their information on
11 your screen, right?

12 A. Correct.

13 Q. And the only way that that would not be the
14 case is if they call from a different number that the
15 system did not recognize?

16 A. That is correct, and that -- and it didn't
17 populate in our system. But when I ask them, let me
18 have your social to bring it up for you, let me see, you
19 know, what I can do to help you out. When they give me
20 the full social, then it pops right up.

21 Q. Okay. If you're already looking at their
22 information, already have, you know, their name, their
23 address, information about the account on your screen,
24 would you then still need to potentially verify the full
25 Social Security number?

1 Q. What does --

2 A. But that's -- but that's -- we have a policy,
3 60 to 90 days after an account is paid off, we do
4 request that they delete from the credit bureaus. And
5 then 30 to 45 days, it'll be updated, you know, on their
6 credit. We update on their credit on the 1st and 15th
7 of each and every month.

8 Q. Okay. And what can you do as an account
9 manager there at NCA to help a consumer, you know, who
10 says that, hey, this is fraud, this isn't me?

11 A. Well, I mean, like I said, I mean, if it's not,
12 I would verify all the pieces of information that we
13 have on the account. Like I said, the date of birth,
14 Social Security number, address. We would inform them
15 the date that this was opened, the date that they made
16 their last payment.

17 If I see a place of employment up there, I'll
18 ask 'em, are you still working at UPS? to see what they
19 said.

20 Well, like, yeah, I'm still working there. Oh,
21 I haven't worked there in years.

22 They have relatives. We sometimes ask
23 relatives. Do you know this person? Do you know that
24 person? 'Cause it has on there, it distinguishes
25 mother, sister or whatever. So I would ask 'em, you

1 A. No, we do the last four. That's why when
2 people call in, we verify their date of birth, the last
3 four of the social, and their address.

4 Q. And if they're willing to give you that, then
5 that's plenty?

6 A. That's -- we assume we have the right person.
7 They verified everything. So we assume that, you know,
8 we have the right individual. And then we move on with,
9 you know, the quality assurance and the Mini-Miranda.

10 And then after that, that's when they'll tell
11 us, well, you guys have all that information, but do you
12 know if -- do you know if you have the correct person?
13 I didn't do this. Do you know it's me? You know,
14 they'll start going into, you know, basic stuff like
15 that.

16 And if it's a dispute or fraud, then we put it
17 in there accordingly. We put it in there accordingly.

18 And if they ask us, do you have proof of that,
19 that's when we have to get the docs from the original
20 creditor or we already have it and we send it out to
21 'em.

22 Q. As an account manager there at NCA, can you
23 remove it from someone's credit?

24 A. No, I can't. I can't. We don't touch the
25 credit, no, no, sir. No, I can't. No, sir.

1 know, do you know this person?

2 Oh, yeah, yeah, I do know that person.

3 Do you know this person?

4 Yes.

5 Okay. Well, this -- you put this on the
6 application as references on the application. So it
7 might strike a nerve there.

8 Or, you know, like and they'll say, oh, okay, I
9 remember. I remember.

10 How do you want to pay your bill?

11 Q. Okay. All right. And do you update the place
12 of employment?

13 A. Absolutely.

14 Q. If they say, I haven't worked at UPS in years,
15 do you ask where do you work now?

16 A. Absolutely. What do you currently do for a
17 living?

18 Q. And you get that name of the employer?

19 A. Absolutely.

20 Q. And their place of employment like as far as
21 location?

22 A. Absolutely.

23 Q. And as far as the relatives are concerned, do
24 you ever get contact information for the relatives?

25 A. No, we don't get contact information for the

1 relatives. We don't even call relatives. We don't call
 2 relatives at all. We can't. We can't call relatives.
 3 Q. It's used more to just jog their memory?
 4 A. That is correct, that they put the references
 5 down on the application.
 6 Q. Are you able to remove the account from the
 7 system?
 8 A. No, sir. I'm not able to do that.
 9 Q. Are you able --
 10 A. No, sir.
 11 Q. -- to stop the dialer from calling a number?
 12 A. Absolutely, absolutely. Sometimes they request
 13 no calls, written only. We do have -- we have a field
 14 that we can do that. I can do that. Stop the calls and
 15 be written only.
 16 Q. It's not you that stops the calls. You notate
 17 it and then someone else stops the calls, is that right?
 18 A. No, I can do that. I can do that part. If
 19 they ask that they don't want any more calls, just to
 20 correspond through mail only, I can do that. We go --
 21 Q. Can you remove --
 22 A. What was you gonna to say, sir?
 23 Q. I was just gonna ask, can you remove the
 24 telephone number?
 25 A. Absolutely.

1 A. I know the fraud procedure is that we have
 2 to -- we have to request a report and we have to send
 3 them the identity theft, and we need that information
 4 within a 30-day period. The fraud status, it does stop
 5 the calls. I'm not really sure about that one. It
 6 does -- it does -- the fraud status definitely it stops
 7 the calls. We cannot call the consumer once it's in the
 8 fraud or dispute status. We can't call those guys.
 9 Q. But you don't know if fraud sends them any
 10 paperwork or not?
 11 A. Yeah, the fraud -- we do send them -- we do
 12 send them some paperwork that they have to fill out and
 13 they have to respond back within a 30-day period.
 14 Q. And that paperwork would be related to filling
 15 out the identity theft affidavit or filing a police
 16 report?
 17 A. That is correct.
 18 Q. And so if you have the address of the consumer,
 19 you would want to have the fraud department send them
 20 this information so that they can complete it at home
 21 and send it back?
 22 A. That is correct, sir.
 23 Q. And as far as the dispute or the dispute
 24 status, you can actually send them the original
 25 paperwork?

1 Q. You can delete it?
 2 A. Absolutely, I could take it out of the system.
 3 Actually, when we put it -- we go to account maintenance
 4 and we put it on the -- it has, you know, a field where
 5 it's no calls, written only. We click that. It
 6 automatically takes everything out of the system, takes
 7 the number out of the system, and it flags it and it
 8 blocks us from calling it.
 9 Q. In a situation of dispute, what else does NCA
 10 allow you to do as an account manager?
 11 A. I'm not understanding the question. You said
 12 dispute.
 13 Q. Yeah, like if the customer is disputing --
 14 well, I guess I need to ask. For Mr. Durham's
 15 situation, would you consider that a fraud or a dispute?
 16 A. Well, I would consider it -- I mean, I would
 17 consider it a fraud because that's what he said. But
 18 when I verified all the information that was correct and
 19 when he told me that he wanted to see the proof, that's
 20 when we have to put it into dispute and get the docs and
 21 get the docs out to him and show him, you know, what he
 22 requested. We want him to see the agreement and see who
 23 signed it and basic stuff like that.
 24 Q. So if you would have notated it as fraud, it
 25 would not have been able to send him the documents?

1 A. That is correct.
 2 Q. And then that verifies the debt?
 3 A. That is correct. That's the contractual
 4 agreement that they signed. It has their signature on
 5 it.
 6 Q. And once they have that paperwork, you guys can
 7 start collecting it again?
 8 A. Once we -- yes, they will move it -- they will
 9 move it back to the floor. That is correct.
 10 Q. Back to the floor, you mean back to the --
 11 A. Back to collection, to collect activity on it.
 12 Q. Okay. And if it is a fraud that they're
 13 claiming, is there anything else that NCA allows you to
 14 do other than to notate it as fraud and have the fraud
 15 department send them that affidavit to mail back in?
 16 A. No. Basically, no, we put it -- we put it into
 17 that status. We put it into a fraud status for those
 18 guys until we can --
 19 Q. You can't delete any of the information and the
 20 account, you can't delete their address or phone number
 21 or anything to stop the further collections?
 22 A. That, I think it automatically does that. Once
 23 we put it in a fraud status, it automatically does that
 24 for us. We don't have to do it like manually. When we
 25 put it in a fraud status, the system automatically

1 triggers that, that there's no calls to be made at all.

2 Q. And you can't like delete the account or
3 anything from the system?

4 A. No. No, we can't. We can't delete any account
5 from the system.

6 Q. Is there anything else that NCA allows you to
7 do to help the customer with that situation?

8 A. Not -- I'm not really sure. You know, like I
9 said, I try to overcome that situation. But if I can't
10 overcome it, then we just put it in a fraud status and
11 we move on.

12 Q. How do they train you to overcome such a
13 situation?

14 A. By verifying all of that pertinent information.

15 Q. And if that's all verified, then it's okay to
16 continue collecting?

17 A. No. That's not -- it's not okay to continue
18 collecting. They still might say it's fraud. That's
19 when we have to get that agreement, those docs. We have
20 to request that the docs be sent out to those guys.

21 Q. And if it's already been over 30 days, they had
22 the opportunity to fill out the docs and send them in,
23 can you continue collections then?

24 A. No, sir. If they filled out the information
25 and they sent it back to us, no, sir, it's still in a

1 the media, after they sent out the docs and they have
2 the proof that it was those guys. 'Cause they wouldn't
3 put it back to the floor if they -- if it wasn't -- they
4 didn't have the proof.

5 Q. So if it populates on your screen, then you
6 pretty much understand that this is a valid account, an
7 active account, I can collect it?

8 A. Well, no. It could pop up on our screen, but
9 it could still be in the dispute or fraud status. It
10 could still be in that status. Like I said, if they
11 called in and it says, you know, that they sent the
12 media and it's back to the floor and it's out of dispute
13 status, we can collect on it.

14 If they call in and they want to work it out,
15 they received a letter, and now they're calling back in
16 to work it out, then, yes, we continue with the call and
17 we try to help those guys get back on the right track.

18 Q. And by right track, you mean?

19 A. Helping them rectify their balance, setting 'em
20 up on payments or if they want to pay it off.

21 Q. Collecting a payment from 'em?

22 A. Correct.

23 Q. Or a promise to pay?

24 A. Correct.

25 Q. All right. Where on your screen does it show

1 fraud or dispute status. No, sir, we can't collect on
2 it unless they want us to remove it.

3 Q. What if they didn't send the stuff, the
4 paperwork back in, they never sent you guys a fraud
5 affidavit, can you collect it at that point in time?

6 A. No, sir. We have to wait until those guys get
7 those -- the documents -- the docs first. We have to
8 make -- we have to send them the information, the proof
9 first, before we can collect on it. And they will have
10 it in the system that they mailed it to the address.
11 And if it's in a dispute, you'll see the code go back,
12 like it's back to the floor. That way -- then we're
13 able to do it.

14 Q. So if it's sent back to the floor because the
15 30 days has ran, they did not respond, they didn't tell
16 you guys anything, provide you with a fraud affidavit or
17 police report, and it's sent back --

18 A. If they send it back to the floor, yes, sir, we
19 can collect on it.

20 Q. And by they, do you mean management or the
21 fraud department or who is they?

22 A. That is correct.

23 Q. So management or fraud department could send it
24 back to the floor?

25 A. That is correct. After, I guess, they sent out

1 fraud status or dispute status? Is it at the top or
2 bottom or is it in the notes or where would you find
3 that?

4 A. I think it's like right in the middle. It's
5 like right in the middle. It has status. It's right in
6 the middle. It's on the account. And like I said, it
7 wouldn't wait -- you know, we're not able to work it
8 until -- you know, we still have to verify those guys
9 first to see if it's them. But the status it right in
10 the middle of our screen.

11 Q. So the status is the middle. What's on top?
12 Their --

13 A. Yeah, their contact information.

14 Q. What's on the left?

15 A. That's the details, the banking information,
16 the date that it was opened, basic stuff like that. And
17 at the bottom --

18 Q. And to the right?

19 A. And at the bottom, it's the notes. And they
20 also have it in the notes also.

21 Q. So at the bottom are the notes. How big is
22 your screen? Is it a standard screen?

23 A. Standard, yes.

24 Q. Like 15 inches or so?

25 A. Correct.

1 Q. It's not a really big screen like flat screen
2 that they have?
3 A. No, no, no, sir.
4 Q. That's reserved for the managers?
5 A. Okay. They do have a little bigger screen than
6 us.
7 Q. Okay. And those notes, when you see those at
8 the bottom, how many notes do you see on your screen
9 when it first populates?
10 A. It all depends on when we received the account.
11 If it's a newer account, it won't have too many lines on
12 it. But if it's been in our office for years, then we
13 would see, you know, the updated, the most recent notes.
14 And then if we want to see more, we just have to scroll
15 down, and we'll see the rest.
16 Q. The most recent ones are on top?
17 A. No. The most recent ones is at the bottom.
18 Q. At the bottom of your screen, but those are the
19 ones you will see first?
20 A. Correct.
21 Q. And you have to scroll down, you said, to see
22 the rest of 'em?
23 A. Or scroll up. I don't know how you want to --
24 you know, if we scroll, it'll go to the top. But at the
25 bottom is the most previous ones, the recent ones.

1 Q. How tall do you think that section of notes is
2 on your screen?
3 A. It's about the same as the boxes that we're
4 talking in.
5 Q. So two to three inches tall?
6 A. Yeah.
7 Q. And then if you want to see more than just the
8 most recent notes, you have to scroll down through them?
9 A. Yeah. Or they have -- they have this little
10 button where you can make it bigger and you can see all
11 the notes. Or they have a button where if you just want
12 to see the notes that you contacted, that you talked to
13 the customer, you could do it that way, too.
14 Q. Is there a find function?
15 A. A find?
16 Q. Right. Like how would you know if you've
17 talked to them before? Do you put in your employee
18 number?
19 A. No, that's all -- that's automatic. It has the
20 date, the time, and it has our numbers. Mine is CP208.
21 And then if they called in, we have to put in consumer
22 called in. Or if they call out, you know, talked to
23 consumer, you know. Then we do the MM, Mini-Miranda;
24 QA, quality assurance. Then we put verified date of
25 birth, Social Security number, address, and we verify --

1 and we document what the conversation was about. Or,
2 you know, the details -- or the -- we put in the
3 arrangements on the account.
4 Q. So walk me through it, if you would. What is
5 the process that NCA requires you to follow when a
6 consumer calls and disputes an account?
7 A. Well, when a consumer calls in and they dispute
8 the account, again, we verify all of their information,
9 we verify everything just to make sure it's them or if
10 they can recognize it or if they might -- you know, or
11 if they say they paid it already. Sometimes they paid a
12 fraudulent company. Sometimes they didn't even pay us,
13 but they paid someone else thinking that they -- but
14 they -- in all actual reality they paid the wrong
15 company. Because all they've gotta do is call the
16 original creditor, and they'll tell those guys who they
17 sold the account to. And that's National Credit
18 Adjusters.
19 So you shouldn't be talking to no one else in
20 reference with that, but they don't know that. So when
21 another company call those guys, and then they threaten
22 these people, they threaten 'em.
23 And I always tell 'em, we have to follow the
24 FDCPA rules and regulations, and that's the Fair Debt
25 Collection Practices Act. We can't threaten you that

1 we're gonna sue you or we're gonna send someone to your
2 house to serve you with papers. We can't do none of
3 that. We can't do that. And that's what a lot of these
4 people are getting out here.
5 So when then said, I paid this already.
6 No, you haven't paid it.
7 Yes, I have proof that I paid it.
8 That's a dispute to us. We have to notate it
9 as a dispute, and they have to send us whatever the
10 information. But we know that they didn't pay National
11 Credit Adjusters. They paid a fraudulent company.
12 Q. So if --
13 A. Or they're disputing the amount of it. Because
14 they -- you know, when you default on your contractual
15 agreement, there might a little bit interest added on to
16 the account, so they dispute it that way.
17 No, I don't agree with this. No, no, I don't
18 agree with this amount.
19 Okay. I mean, that's fine. But, you know,
20 they -- we have to put it in a dispute status. If they
21 don't agree with anything or anything of that nature, we
22 have to put it into a dispute status.
23 Q. So what I'm hearing is, if NCA -- well, if you
24 as a representative of NCA receive a call from a
25 consumer who disputes an account, first you've gotta

1 verify all the information, is that right?
 2 A. That is correct.
 3 Q. Then you have to notate it as dispute?
 4 A. Well, we have to verify, you know, all the
 5 information and find out, I mean, what is their dispute
 6 obviously, what is the reason why you disputing it,
 7 seeing if we can overcome that dispute, verify all the
 8 information, and see if we can overcome that dispute.
 9 If we're not able to overcome the dispute, yes,
 10 sir. We put it into a dispute status and we request
 11 that the docs be sent out to those guys.
 12 Q. And if you get a call there at NCA and the
 13 consumer claims he was a victim of identity theft, what
 14 is the process you're supposed to follow then?
 15 A. Same thing. Verify all of their information
 16 and find out what they're -- if they're a victim of
 17 identity theft, verify all the information. And if they
 18 are a victim, we put it in a fraud status. We would
 19 give them -- if they want to go to IdentifyTheft.gov, we
 20 would give 'em the original account number, we would
 21 give 'em our ID number, the amount, the date that it was
 22 opened. We would give them all that pertinent
 23 information, and then we would put it into a fraud
 24 status. And we would send them the paperwork either to
 25 fill out or they can go to the police station and get a

1 report, and they have to email us that report to
 2 info@ncaks.gov [sic].
 3 Q. Can you email them the fraud report to fill
 4 out?
 5 A. No, we send it to those guys. We send it to
 6 'em in the mail.
 7 Q. Do you make sure that they have your email
 8 address and fax number so that they can send that
 9 information, too?
 10 A. Absolutely.
 11 Q. That's what the process is there at NCA?
 12 A. Yeah.
 13 Q. Make sure they have the email address or fax
 14 number?
 15 A. Yeah. And they have all the information that
 16 was given to 'em, the original creditor, the date that
 17 it was opened, and we give 'em all the information, yes,
 18 sir.
 19 Q. And if they say that they've already filed a
 20 police report, you would write down the police report
 21 number?
 22 A. That's if they have a police report number. If
 23 not, if you have a police report, email it to
 24 info@ncaks.gov.
 25 Q. Do you think that the police report number

1 really matters to NCA or do they really just want the
 2 physical report?
 3 A. What? As far as I'm concerned?
 4 Q. Sure.
 5 A. Or -- I mean, that would be helpful. I mean,
 6 if they do have a police report, but they still have to
 7 -- a police number, we would notate it in the system
 8 that they have a police number. But in all actual
 9 reality, they still need to email us that report to that
 10 info@ncaks.gov to really make it valid.
 11 Q. Can you contact the police report -- or I'm
 12 sorry. Strike that.
 13 Can you contact the police department with the
 14 police report number and request the report from the
 15 police department?
 16 A. That I don't know. I've never even heard that
 17 for eight years. No one ever gave me like a number.
 18 That's something different for me. I've never even
 19 heard that. But I mean -- I mean, I wouldn't. I
 20 wouldn't call the police department. I would tell them
 21 for them to go to the police department and obtain that
 22 report and email it to us.
 23 Q. Would you even be allowed to contact the police
 24 department?
 25 A. That I would ask my manager. I would ask my

1 manager in reference with that one because I don't -- I
 2 don't know for sure that answer.
 3 Q. It could go possibly into that talking with
 4 third parties process, right?
 5 A. No. If they -- if they ask me -- if they give
 6 me permission to talk to someone, I can talk to them.
 7 If they give me verbal permission -- we have this script
 8 that we have to say. And if they give me permission to
 9 talk to someone, yes, I would talk to them.
 10 Q. You can call out and speak with --
 11 A. I can -- I'm not gonna call -- I'm not gonna
 12 call the police station just me just calling 'em to
 13 verify if that person filled out a report with this
 14 number. I can't. I'm not gonna do that. We can't do
 15 that because they didn't give me permission to call
 16 those guys. They didn't -- we need them on the phone
 17 and they need to be on the phone. I can't call 'em.
 18 Q. So the customer can't give you permission to
 19 call the police department?
 20 A. Not really sure. I would have to ask my
 21 manager in reference with that one. But I'm not -- I
 22 wouldn't -- I'm not gonna call the police department. I
 23 would just ask them to send me the information. It's a
 24 whole lot easier, if you have that number, send me the
 25 police report, email it to that address. But I would

1 verify with my manager before I would do any of that.
 2 But I'm not --
 3 Q. You say it would be easier, easier for NCA,
 4 right?
 5 A. Well, it'd be -- it'd be easier for -- well,
 6 yeah, it would be easier for the consumer just to email
 7 us the information, the report. Because someone's gonna
 8 have to email us the report regardless. If they have a
 9 report number or anything, we verify it from the police
 10 station, okay, yes. Okay. Give me authorization. The
 11 police says, yes, we have a report. They still have to
 12 email it to info@ncaks.gov.
 13 Q. Without that email, without that fax, as far as
 14 NCA is concerned, the police report doesn't exist until
 15 they receive it, right?
 16 A. That is correct, sir.
 17 Q. Okay. What are you required to say on every
 18 call?
 19 A. The Mini-Miranda.
 20 Q. Anything else?
 21 A. We have to say this communication is from a
 22 debt collector, this is an attempt to collect a debt,
 23 any information obtained would be used for the purpose.
 24 We have to say that on every call after we verify we're
 25 talking to the right person.

1 know, on the account. But not on every call. It's just
 2 when the call is lit up in red we have to say this other
 3 disclosure.
 4 Q. What does the call lit up in red signify?
 5 A. It's just letting 'em know the laws in their
 6 states and their rights -- and their rights. So like in
 7 New Mexico and New York, we have this -- we gotta read
 8 this long script. It's just the laws in their state.
 9 Q. Okay. And are you also required to state your
 10 name?
 11 A. Absolutely. You mean on every call?
 12 Q. Yes, sir.
 13 A. Absolutely. Yeah, that's mandatory. That's a
 14 given. That's every call.
 15 Q. Anything else? You know, we've got state laws,
 16 we got the Mini-Miranda, we got your name. Anything
 17 else you're required on every call to do?
 18 A. Got to notated, quality assurance, QA. We've
 19 gotta put if they called in or if it is either outbound
 20 or call in. We have to verify the information. We have
 21 to do the Mini-Miranda, give them the creditor, give
 22 them the amount.
 23 MR. BRACKETT: Okay. We've been going just
 24 over an hour. It's 11:20 here in Hawaii. If you guys
 25 are okay with it --

1 Q. Anything else you're required to say every
 2 call?
 3 A. We have to tell 'em, you know, the creditor,
 4 the, you know, the amount of the debt, yeah.
 5 Q. Is it important to tell them those things on
 6 every call?
 7 A. Well, absolutely, absolutely. Some of 'em
 8 forget. Some of 'em remember. It's different names,
 9 they might forget. So, yeah, absolutely. It just
 10 refreshes their memory.
 11 Q. And you get a lot of calls, right?
 12 A. Tremendous.
 13 Q. Tremendous amount of calls?
 14 A. Uh-huh (moves head up and down).
 15 Q. Is that right?
 16 A. Correct.
 17 Q. And so it can be pretty tough on our brains,
 18 you know, when you're a hundred plus calls into the day,
 19 to remember to say that every time?
 20 A. No. That's like -- that's automatic for us.
 21 That's -- every call we have to say that. And then --
 22 what is it called? I know if it's a red thing, we have
 23 to say this other disclosure. I forgot what it's
 24 called. But if it's -- we have to say another
 25 disclosure if it's in red letting 'em know the laws, you

1 THE WITNESS: 11:20.
 2 MR. BRACKETT: Yes, sir.
 3 THE WITNESS: 11:00, 12:00, 1:00, 2:00.
 4 Oh, I see. You guys are three hour difference.
 5 MR. BRACKETT: Right.
 6 THE WITNESS: It's 2:00 -- no. This is
 7 Central. What time? Central Time, yeah, you guys are
 8 -- wow. Okay.
 9 MR. BRACKETT: What time do I have you
 10 till? Like I know earlier, you know, Ms. Claydon had
 11 stated that there's a certain time you need to be out of
 12 here today. What time --
 13 THE WITNESS: You will have me here till
 14 5:00, sir.
 15 MR. BRACKETT: Okay. Very good. And so
 16 that's 2:00 p.m. my time. So another two and a half
 17 hours at most. Is it okay with you if we go for another
 18 30 minutes or so so that we can get this section done?
 19 And then it should be just a little more after that.
 20 THE WITNESS: Yes, sir.
 21 MR. BRACKETT: Are you okay, Kukui?
 22 THE WITNESS: Yes, sir.
 23 MR. BRACKETT: Terri, are you doing all
 24 right?
 25 THE COURT REPORTER: (Moves head up and

1 down.)
2 MR. BRACKETT: All right. We'll keep
3 rolling then.
4 BY MR. BRACKETT:
5 Q. All right. Let's talk about Demetre Durham.
6 Tell me what you know about Mr. Durham.
7 A. I don't know anything about Mr. Durham. All I
8 know is he called in and he asked me what was my name.
9 I gave him my name. I verified all the information, and
10 I went in with the call. And I think he -- if I
11 remember, he stated, do you have the right person?
12 And I think I stated, well, you verified all
13 the information, so, yes, I assume I have the right
14 person.
15 And that's when -- it was very brief, man. It
16 wasn't a long call at all. That's when -- that's when
17 he said that he -- you know, he wants the -- he wants
18 the proof that he -- he didn't -- he wanted the proof
19 that he did this. So that's when I told him, you know,
20 I'll get the docs and send it out to him. And I think
21 that was -- I know the call was very, very brief. It
22 wasn't really into detail. It was just very, very
23 brief.
24 Q. Have you spoken with him any other times than
25 that one?

1 A. Correct.
2 Q. Did you review any of the account information
3 when you spoke to Mr. Durham?
4 A. Yes, I verified his date of birth, last four of
5 the social, and address. And then that's when I think
6 he asked me, are you sure, you know, you have the right
7 person? He said something in that nature.
8 And I was -- I just said, you know, I was like,
9 yeah, I mean, you -- you know, you verified all the
10 information. I assume I'm -- yeah, I'm talking to the
11 right person. And that was basically -- and that was
12 basically it.
13 And he just said that he requested -- that he
14 wants the docs, he wants the proof that he did this.
15 So that's when I told him, you know, you know,
16 I'll put it in a dispute status and we'll have the docs
17 sent out to him.
18 And he was just like, okay, and the call ended.
19 Q. But you didn't have a chance to review the
20 notes?
21 A. I mean, I seen the notes, but I didn't -- no, I
22 didn't -- I didn't look at the notes. I didn't review
23 it or anything. I didn't go up --
24 Q. Did it -- oh, sorry. Go ahead.
25 A. No, sir. I didn't go up, you know, all the way

1 A. No, sir.
2 Q. Do you know the date that you spoke with him?
3 A. No, sir.
4 Q. Would the call notes help you?
5 A. Absolutely. I think it was sometime in March,
6 March, I don't know the exact date. March 20th. I'm
7 not sure. I know it was a few months ago.
8 Q. March 2023?
9 A. Maybe -- that might be it. I know it was in
10 March. I know it was a few months back.
11 Q. How do you know it was in March?
12 A. When I heard the call or when the account
13 popped up, I seen it in the notes.
14 Q. Did anyone else at NCA speak with Mr. Durham?
15 A. I'm not -- I'm not -- you mean in my office or
16 within the company?
17 Q. Within the company.
18 A. I think someone else spoke to him, but I don't
19 know who. I know previous -- there was previous notes
20 on it, but it wasn't -- it was my first time talking to
21 him, but I think other people spoke to him.
22 Q. Did you have an opportunity to review the notes
23 in your call with him?
24 A. No, sir.
25 Q. It was too short?

1 since we've had the account.
2 Q. Did it show in the middle of your screen that
3 it was disputed or that it was fraud?
4 A. You know what? I don't think so. I'm not --
5 I'm not -- I don't remember that. I don't remember
6 that. I don't think it stated that. I think I put it
7 in the dispute status.
8 Q. That you moved it to dispute?
9 A. Correct. I'm not -- to be honest with you, I'm
10 not really sure. I'm not really sure about that. To be
11 honest with you. I'm not really sure if it was already
12 in dispute or already in a fraud status. I can't
13 remember that. I'm not really sure.
14 Q. If it had shown dispute or fraud in the middle
15 of your screen and have taken to look at the notes, find
16 out why?
17 A. Absolutely. And if -- I mean, if it was in the
18 fraud or anything status, you know, I would have asked
19 him, did he provide us with the fraud report or the
20 police report or has he received any of the docs of the
21 agreement? I would have asked him that. But he didn't.
22 He requested it.
23 Q. But that wasn't the case?
24 A. Yeah, that wasn't the case. He requested that
25 information. So that's when I told him, you know, I'll

1 get the docs out to him. And he just said, you know,
 2 thank you. Okay. He wanted to -- he wanted to show
 3 that it was him. He wanted us to show proof to him that
 4 he -- that he's the one that did this. And that was the
 5 call.
 6 Q. And you then notated the account?
 7 A. Yeah, I notated the account accordingly, yeah.
 8 And I think --
 9 Q. How did you notate the account?
 10 A. Customer called in, gave him Mini-Miranda, QA,
 11 verified date of birth, Social Security number, and
 12 address. And customer disputes account, wants docs. He
 13 wants the docs.
 14 So I think I might have put it in dispute. But
 15 I'm not sure if it was already there. But if it was
 16 already there, I would have asked him the questions and
 17 what was the reason why he was calling in and if he gave
 18 us all the pertinent information. That would have been
 19 a conversation for sure. But that wasn't the case. He
 20 was requesting -- he was requesting that we provide him
 21 with that information.
 22 Q. Did you mail that information to him?
 23 A. I didn't, no. I don't mail him anything.
 24 Q. Did you email any information to him?
 25 A. No, we don't email those guys anything. The

1 manager has to do that. And whenever we get the docs,
 2 you know, whatever department that handles that, mails
 3 it out to 'em. We don't do any of that.
 4 Q. Did you fax any information to him?
 5 A. No, sir.
 6 Q. Did you send any information to Mr. Durham any
 7 way at all?
 8 A. No, sir. I didn't send him anything.
 9 Q. You don't have the power to do any of that, you
 10 just notate the account and let the system do what it's
 11 supposed to, right?
 12 A. Or the manager. And I put it -- I put it in
 13 the correct field. I put it either in the dispute or
 14 the fraud status. That's the only thing that we do.
 15 Q. But you couldn't put it in fraud status because
 16 that wouldn't have sent him the documents, right?
 17 A. Not really -- I noted dispute. Man, I'm not
 18 really sure on that one, sir.
 19 Q. Dispute certainly sends the documents to him as
 20 far as you know, right?
 21 A. Absolutely, absolutely. And that's what he
 22 requested. I know the fraud status, you know, we would
 23 need that information. We would need for them to email
 24 us that information or we send it out the information to
 25 them and they have 30 days to get it back to us. But

1 I'm not really sure if the fraud sends out the docs.
 2 I'm not really sure of that.
 3 Q. Have you ever emailed a consumer who called in?
 4 A. Not any docs or anything. I emailed them like
 5 an arrangement letter or a settlement letter. But any
 6 of that other stuff, we don't touch that. We don't do
 7 anything with that.
 8 Q. You don't send them the fraud report or the
 9 police --
 10 A. No, no, we don't. Yeah, we -- the account
 11 managers, we don't do any of that. Either the manager
 12 or that department does that.
 13 Q. As far as this account is concerned, was it
 14 with cashcentral.com? Is that what you understand?
 15 A. We do collect on cashcentral.com, but I'm not
 16 sure if that's what it was. Like I said, it was like
 17 three months ago. I can't remember -- I don't know if
 18 it was Cash Central, but we do collect on Cash Central.
 19 We do do cashcentral.com.
 20 Q. Are those consumer debts?
 21 A. I don't know what type of debt that they are.
 22 Q. Do you have any reason to argue the debt was
 23 incurred for anything other than consumer purposes?
 24 A. I mean, obviously, you know, when people go to
 25 them establishments, they need the money. They're in

1 some type of situation they need the money, so that's
 2 when they go and they obtain these short-term loans.
 3 Q. They're personal loans, right?
 4 A. We call 'em short-term.
 5 Q. Have you ever called a business to collect a
 6 debt?
 7 A. No, sir. We don't -- we don't have like
 8 business-to-business accounts collections.
 9 Q. At NCA, you guys collect consumer debts, right?
 10 A. Correct.
 11 Q. As a collector there in Arizona, do you have to
 12 register with the state?
 13 A. No, sir. I didn't have to register. I've been
 14 on collections for 20 years. I never registered with
 15 the state.
 16 Q. Some states require it, some don't. You know,
 17 I didn't know if that was required in your state or not.
 18 Have you worked in any other states?
 19 A. No, sir.
 20 Q. And you say you've been doing collections for
 21 20 years. Where were you before NCA?
 22 A. The Law Office of Joe Pezzuto.
 23 Q. How long were you with them?
 24 A. Eight years.
 25 Q. And what about before that?

1 A. I can't even remember. I've always stayed at a
2 job for a long period of time. This is basically my
3 second. I don't jump around from job to job. I have a
4 good stability history of it.
5 Q. Great. It's hard to find nowadays.
6 A. You know, I've gotta take care of my family,
7 man, you know. I'm the only one, you know. So if I go
8 down, everything goes down. So...
9 Q. Yeah, gotta pay that mortgage, right?
10 A. Well, pay. It is what it is. Rent or
11 mortgage, you're gonna have to pay something. You've
12 gotta pay something. So, you know, and it's tough out
13 here for people these days. You know, that's why
14 they're in the situations that they're in. You know,
15 it's just tough out here.
16 So we just try to give them that courtesy and
17 try to help 'em out and understand their situation and
18 try to do the best that we can for 'em when we talk to
19 'em on the phone. So that's all we can do.
20 Q. Yeah, I wish I could afford a mortgage.
21 A. It's, you know, in Arizona, man, the average
22 houses, man, it's like \$400,000, man. It's like 2,800 a
23 month. I mean, two bedrooms is like \$2,000, \$2,200,
24 man. It's ridiculous, man. Everything, gas, food is
25 going up. Everything's going up but my paycheck, you

1 Had a good life.
2 Q. Bad things happen to good people.
3 A. It really does, and it's, you know, it's sad.
4 It's a sad situation, you know. But it's tough.
5 And then on the flip side of it, it's tough
6 when someone calls in knowing they owe it, but want to
7 play games, you know. Want to try to buck the system.
8 Want to try to -- just like what he did. That's all he
9 did is try to buck the system, you know. And try to,
10 you know, catch people up, and that's when they want to
11 sue people, you know. Because they -- you know, it's
12 just -- it's crazy. It's crazy these days, man, how
13 people think in society today, you know. And it's sad
14 what people do to other folks in society today. Steal
15 people -- like steal people's information, going to do
16 this, and it's just sad, man, all this identity theft
17 out here. It's sad.
18 You work hard for someone just to take all of
19 your information and screw up your life. It's just sad,
20 you know. It's sad. So...
21 Q. It can be a real burden on people when they are
22 dealing with that.
23 A. It is a burden. It is a burden. And then it's
24 hard for them to, you know, when they're trying to
25 accomplish something and get a house, oh, this popped

1 know. It's unbelievable these days. You know, it
2 really is. You know, but it is what it is, you know.
3 And in the state of Arizona, so many people have lost
4 their home -- their homes. I forgot the percentage of
5 it, literally lost their homes, you know. It's unreal.
6 You know, everything goes up, food, gas. Everything go
7 up, but our paychecks, man. That remains the same. So
8 that just puts you in, you know, a bad situation, you
9 know. That debt to ratio is not there. It doesn't add
10 up, you know. So...
11 Q. It sounds like you empathize with your
12 customers?
13 A. Absolutely, I care. You know, that's the
14 bottom line is I care. You know, a lot of people just
15 want to get the money, want to get the money, you know.
16 But, no, these people are human beings, just
17 like me. You know, people have problems, their
18 situations. I mean, people lose their jobs. People
19 have death in their family. People -- everybody does,
20 you know, at one point in life, you know.
21 So actually I empathize a lot, you know. And
22 that's -- and they love me. They love me, and that's
23 why I'm so good at what -- of what I do, you know.
24 That's why I'm -- I've been successful this whole time.
25 I've done great all my life in collections. Done great.

1 up. It's in a dispute status. And then they call in,
2 and it's just a big mess. It's a big mess.
3 But, you know, that's how we try to overcome
4 it, and we just try to help these people to the best of
5 our ability and the best of their ability. People on
6 Social Security, they don't have nothing. They don't
7 have my savings. They don't have no 401(k)s. They
8 don't have no retirement funds. They don't have no, you
9 know, no Roth accounts. They don't have none of that
10 these days. Society is really messed up, and a lot of
11 people they -- I feel sorry for 'em, you know.
12 Q. Takes years --
13 A. When they retire. Huh?
14 Q. Takes years to build credibility and --
15 A. Yeah.
16 Q. -- only one or two things to destroy it all.
17 A. Yeah, it's sad, man, you know. But it is what
18 it is. If you ain't smart and if you don't know what's
19 going on in society these days, you're gonna fall
20 victim.
21 MR. BRACKETT: I've got a couple of credit
22 reports to go through. We'll just do this real quickly.
23 I don't know that you've ever seen these before, so it
24 might not be super helpful. But I'm gonna share my
25 screen real quick.

1 This will be Exhibit 2 to today's deposition,
2 Madam Court Reporter.
3 BY MR. BRACKETT:
4 Q. See if I can get this pulled up. Hopefully, on
5 your screen now is an Experian credit report. Do you
6 see that?
7 A. Yes, sir.
8 Q. And it is three pages. They're Bates stamped
9 at the bottom EXP 1, EXP 2, and EXP 3. Do you see that
10 down here?
11 A. Okay.
12 Q. This was February 2023. The date is right down
13 here and up top here. And at that time Mr. Durham had
14 on his report this National Credit Adjusters, and it
15 said, Outcome: Remains.
16 Have you ever seen this document before?
17 A. No, sir.
18 Q. Are you familiar with National Credit
19 Adjusters' credit reporting policies?
20 A. I just know -- I just know when an account pops
21 up, it shows -- it lets us know either it's credit
22 reporting or it's not.
23 Q. So your account notes would tell you whether
24 it's being reported or not?
25 A. I would -- it's highlighted. We click -- we

1 Q. Some reports are never reported. Or some
2 accounts. Strike that. I need to state a clear record.
3 Some accounts at NCA are never reported to the
4 credit reporting agencies?
5 A. Like I said, if when we mouse over it, if it
6 has yes or N, it's not reporting, it might be too old.
7 So we -- it's not credit reporting. But sometimes it
8 says yes, and we're not credit reporting until this
9 specified date.
10 Q. And if they pay before it's put on the credit
11 report, will it ever be put on the credit report?
12 A. It's possible.
13 Q. It's possible to keep it off your credit
14 report?
15 A. No. It's possible that it might be reported.
16 Q. Even though you paid it?
17 A. Correct.
18 Q. And you said sometimes NCA has accounts that
19 are too old to report in the credit, but they still
20 collect 'em?
21 A. That's correct. I mean, when we mouse over the
22 credit report and it's not reporting, but yeah, we are
23 still trying to collect the money, yes, sir.
24 Q. And then on the bottom of this first page on
25 EXP 1, it says, Before dispute.

1 just mouse over the credit report, and it says credit
2 reporting with a Y or an N.
3 Q. And you said earlier that NCA reports on the
4 1st and 15th?
5 A. That's -- yeah, that's when it's -- when the
6 account is paid in full.
7 Q. But if they are updating or submitting
8 information to the credit reporting agencies, they would
9 do that on the 1st or 15th, is that right?
10 A. I'm not really sure about that. I just know
11 once they pay it off, they pay their balance in full, we
12 update on the 1st and 15th. And our policy is 60 to 90
13 days we request that they delete our trade line.
14 Q. Okay.
15 A. And then 30 to 45 days, they might see a paid
16 in full status that way. But anything else, I'm not
17 really too sure about, sir.
18 And if it's not credit reporting, it has a date
19 on there that we can see when it will credit report. If
20 we see that, we can tell them that specified date when
21 it will report. But if it has a no there, an N there,
22 it's -- we're not credit reporting. But if it has a --
23 Q. So not every account at NCA is being reported
24 to the credit reporting agencies?
25 A. Correct.

1 And at the top of the second page, it shows,
2 Dispute results.
3 Mine is hard to see because the screen sharing
4 thing is on. I can't move it.
5 But in this one it shows it as a collection
6 account and \$470 past due, right?
7 A. Correct.
8 Q. And it was to cashcentral.com?
9 A. Okay.
10 Q. That was the original creditor?
11 A. I see it.
12 Q. And that was your guy's customer, right? Or
13 client, I should say. That's the NCA client, right?
14 A. Well, yeah, yeah, they sold us the account.
15 Q. Okay. And then NCA was trying to collect it
16 from Mr. Durham?
17 A. That is correct.
18 Q. And one way that they were collecting it was by
19 reporting it to the credit reporting agencies?
20 A. I guess, yes, sir.
21 Q. And it says the dispute result. It shows still
22 collection account, \$470 past due. And it says, this
23 item remained unchanged from your -- processing of your
24 dispute in February 2023, right?
25 A. What do you mean about that, sir?

1 Q. So it appears as though, according to this
2 credit report, Mr. Durham had disputed the debt, and NCA
3 verified it.

4 A. I'm not sure about that, sir. I'm not -- I've
5 never even seen this before, so I'm not really sure.
6 I'm not really sure.

7 Q. But in February, at least as of February 13,
8 2023, NCA was saying that Mr. Durham owed them this
9 money of \$470 for that cashcentral.com account?

10 A. Yes, sir, that's the balance.

11 Q. Then the next one happened a couple of weeks
12 later.

13 MR. BRACKETT: Madam Court Reporter, please
14 mark this one as Exhibit 3 to today's deposition.

15 BY MR. BRACKETT:

16 Q. In March, one month later, guess like a month
17 and a half later, on March 28 Mr. Durham pulled his
18 credit again. Again, it's an Experian credit report.
19 Has some of his information. It says Experian at the
20 top here.

21 And at that time National Credit Adjusters, if
22 you can see at the bottom, it's still showing on Mr.
23 Durham's credit report, right?

24 A. Yes, sir.

25 Q. Showing it's potentially negative. So they're

1 still reporting it in March as having a balance of \$470,
2 right?

3 A. I see that.

4 Q. Do you have any reason to dispute the
5 authenticity of this document?

6 A. I don't even know what this -- I don't even
7 know what -- I've never seen this document before. I
8 don't know what's going on with the document. I don't
9 know what Mr. Durham was doing at that time. I don't
10 know what NCA was doing at the time. I don't -- I don't
11 know. I have no idea.

12 Q. Is NCA's address there in Hutchinson, Kansas,
13 the 327 West 4th Avenue?

14 A. Correct.

15 Q. And the original creditor or client for NCA in
16 this case was cashcentral.com, right?

17 A. Correct.

18 Q. And it had a statement there from Mr. Durham, I
19 have no knowledge of this account.

20 But NCA, after the reinvestigation, told
21 Experian that this item remains unchanged from the
22 processing of his dispute in February of 2023, right?

23 A. That's what it says.

24 Q. And then finally as far as credit reports,
25 that's one more I'll share.

1 MR. BRACKETT: Madam Court Reporter, please
2 mark this as Exhibit 4 to today's deposition, I think.

3 BY MR. BRACKETT:

4 Q. And then this one is in April. Now, you said
5 you had talked to him in March 2023, right?

6 A. Yes, sir.

7 Q. Okay. So on April 5th, 2023, Mr. Durham got a
8 credit report from Experian again, and this time the
9 account is still showing up as a collection on his
10 report, right?

11 A. I see that.

12 Q. And it's still showing the \$470 past due as of
13 April 2023, correct?

14 A. I see that.

15 Q. And it still shows that the item is remaining
16 unchanged from the processing of the dispute in February
17 of 2023?

18 A. Okay. What does it that mean? The item
19 remains unchanged. What does that mean?

20 Q. Mr. Durham had been asking for this to be
21 removed from his credit --

22 A. Okay.

23 Q. -- and disputed that it is owed. Again, you
24 can see a new statement here, I have no knowledge of
25 this account.

1 A. Right.

2 Q. But despite his disputes, NCA was still
3 reporting.

4 A. Oh, they were still reporting on the credit,
5 okay. Okay.

6 Q. Does that make sense?

7 A. Oh, yeah, that makes sense.

8 Q. It does show that the account information was
9 disputed by consumer. Do you know if that was because
10 of your removal of the account and putting it into the
11 dispute status?

12 A. Account information disputed by consumer.
13 Meets requirement of the fair debt collect -- most
14 likely.

15 Q. And in regards to this reporting, it's still on
16 his collection as of April 5, 2023, right?

17 A. I see, yeah. But I don't have nothing to do
18 with his credit report. I don't have anything. I
19 didn't put anything on his credit -- on his credit
20 report at all. I didn't put anything on there.

21 Q. You didn't put anything on there. You couldn't
22 remove anything either, right?

23 A. No, no, sir.

24 Q. You didn't have that power?

25 A. No, I don't have that power at all. So, I

1 mean, his -- I understand now. I understand, you know,
2 what -- he's upset that it's on his credit bureau.
3 That's what I understand now. He's upset it's on his
4 credit bureau, and National Credit Adjusters is
5 reporting it on there.

6 So when he's disputing it, he wants us to
7 remove it off his credit bureau and we didn't, is that
8 correct?

9 Q. Yeah. Absolutely. Or at least update it as
10 disputed. I'm going back to Exhibit 3 to today's
11 deposition, the March 28, 2023, credit report. And on
12 this one it shows the account, it shows it as
13 potentially negative. But I don't see anything on here
14 showing that it was disputed as of March 28, 2023,
15 right?

16 A. Okay.

17 Q. And as you had stated, NCA reports every 1st
18 and 15th, right?

19 A. I'm stating that if the account is paid in
20 full. I'm not saying we don't report every time like
21 someone makes a payment or anything in that nature. We
22 don't report like that. We don't report every time
23 someone makes a payment. I'm stating that when the
24 consumer pays, when the customer pays off their bill, we
25 update on -- we send them a balance in full letter, and

1 Q. Someone else may --

2 A. Yeah, that's upper management or -- but, see, I
3 would have to see. If you could show me the notes. If
4 there's anything else after that, 'cause T -- that's not
5 an account manager. That's somebody else. That's the
6 upper management.

7 Q. All right. I'm gonna show you a document here
8 in just a moment.

9 A. Yeah, CAD. Yeah, that's not us. That's not an
10 account manager.

11 Q. What about SYS?

12 A. System. That's not us.

13 Q. There's a few others. We'll just -- I'm
14 opening it up now. Sorry.

15 A. Okay.

16 Q. It will take me a minute to get it pulled up.
17 Here we go. All right. Do you see a document on your
18 screen now?

19 A. Yes.

20 Q. Very good. I'm gonna make it easier for
21 everybody.

22 A. Yeah, if you can enlarge it a little bit more.

23 Q. You got it.

24 MS. CLAYDON: Are you going to mark this as
25 an exhibit? Sorry.

1 we update on their credit on the 1st and the 15th.
2 Every time a consumer makes a payment on the account, we
3 don't report it. We don't report it that way. So...

4 Q. In regards to your account notes, there's a lot
5 of account notes for Mr. Durham's account, and I
6 couldn't understand a lot of 'em. There's a lot of --
7 like what does MM mean?

8 A. Mini-Miranda.

9 Q. I thought so. But I can't guess, you know.

10 A. Yeah, yeah.

11 Q. I don't know what exactly shorthand you guys
12 may be using.

13 So, all right. Do you know what -- what is
14 SPCL?

15 A. SPCL, special, specialty.

16 Q. That's okay if you don't remember.

17 A. Yeah, I'm not really sure. Specialty account,
18 it's like, yeah.

19 Q. What about CAD?

20 A. See, that's all -- that's all those guys.

21 Those are them departments. That's not -- that's not --

22 CAD. See, I would have to -- can you show that to me?

23 Q. Sure. What about TCL?

24 A. That's -- that's those -- that's like upper
25 management.

1 MR. BRACKETT: Oh, yeah. Thank you.

2 Madam Court Reporter, please mark this as
3 Exhibit 5 to today's deposition.

4 BY MR. BRACKETT:

5 Q. Have you ever seen this document before, Mr.
6 Jones?

7 A. That's the account. Yeah, that's -- those are
8 the notes. That's the time, the date, and it shows.
9 Now, this A155. This right here. That's an account
10 manager. But this SWD and this EOD, that's -- they're
11 the one reported. That's upper management. That's not
12 an account manager.

13 But A155 is -- yeah, see, consumer called in.
14 That's an account manager.

15 The EODs. All this, LKBs. That's not an
16 account manager. That's not us.

17 Q. Okay.

18 A. The J225. That's an account -- that's an
19 account manager. The 21, that's an account manager.
20 But the KAJ and the KBC, that's not us.

21 Q. All right. Very good. I think earlier you had
22 testified that LiveVox is the dialer that --

23 A. Yeah, that's the dialer system. That's the
24 LiveVox call. That's the dialer system, yep.

25 Q. And then JDN, do you know who that might be or

1 what that means?
 2 A. No, that's -- that's not an account manager.
 3 That's not one of us.
 4 Q. Very good. The EOD, do you know what that
 5 stands for?
 6 A. No, sir. And that's -- well, that's --
 7 whoever, the EOD, they reported it to the credit
 8 bureaus. That's who did that.
 9 Q. Earlier you told me your number was CP208?
 10 A. CP208, yes, sir.
 11 Q. So is this you at the bottom here of -- and I
 12 should have reviewed the whole thing. Give me just a
 13 moment. Well, just, I guess let's go to this question
 14 real quick. Is this you P208?
 15 A. Correct.
 16 Q. So this notates and demonstrates your call with
 17 Mr. Durham?
 18 A. That is correct.
 19 Q. And in March of 2023, specifically March 30th,
 20 2023, were you an account manager on the outbound or the
 21 inbound calls at that time?
 22 A. Inbound.
 23 Q. Okay. And so as far as that's concerned, would
 24 this have signified an inbound call from Mr. Durham at
 25 1:39 p.m.?

1 A. No. This one right here. Consumer called in.
 2 Q. Oh, this one.
 3 A. He just -- yeah, this one right here, consumer
 4 called in. He just gave -- probably he gave me like
 5 another number. I updated something. He gave us
 6 permission to call him more if we need, and he -- I
 7 entered another number in the system for him.
 8 Q. But this is your note, this would have been how
 9 you made it, phone number, consumer gave permission to
 10 call blank; which I guess the number has been redacted;
 11 entered as cell phone. Is that what you did?
 12 A. Correct.
 13 Q. And then the call continued and -- oh, it says,
 14 consumer called in, called something.
 15 Did you call him back?
 16 A. No, sir. That's just -- I don't know why it's
 17 blank like that, but the consumer called in, and I put
 18 it in -- well, we have to go through the cannot pay now
 19 status.
 20 But if you slide back over, there go my notes
 21 right here. Consumer called in, gave Mini-Miranda, QA;
 22 Mini-Miranda, QA, verified date of birth, Social
 23 Security number, and address. And I just put, customer
 24 dispute account, want docs.
 25 And then I moved the account to no pay dispute.

1 Oh, shoot.
 2 Q. That's what happens when you put up a no pay
 3 dispute? The screen goes black?
 4 A. Oh, shoot. What happened here?
 5 Q. You may have to stay in that office longer if
 6 you mess up that.
 7 A. I can hold it. It was up here. Hold on. How
 8 did she have it up here? Oh, that might be it.
 9 Q. That looks better.
 10 A. Is that good, sir?
 11 Q. Much better. Thank you.
 12 A. Okay. Okay.
 13 Q. I think you did it better than the previous
 14 person.
 15 A. Short cords, man.
 16 Q. So I apologize. You were saying that you made
 17 this note. This is your, you know, your employee ID
 18 number, P208, right?
 19 A. Correct.
 20 Q. And you spoke with Mr. Durham?
 21 A. Correct.
 22 Q. And this is an accurate statement of what
 23 happened during that call?
 24 A. Yes, that's accurate.
 25 Q. And do you have any reason to doubt the

1 validity of this document? Or I apologize. Let me
 2 restate that.
 3 Do you have any reason to doubt the
 4 authenticity of this document?
 5 A. What do you mean authenticity?
 6 Q. As you can see at the bottom, there is a Bates
 7 stamp, NCA 07 -- 0007.
 8 A. Yeah, I don't seen know what that means.
 9 Q. This document, I would state --
 10 A. What did you say, sir? You're fading in and
 11 out.
 12 Q. You were working there at NCA and -- sorry
 13 about that. I said, in your employment there at NCA, is
 14 this how you would see the notes?
 15 A. That is correct. Well, I mean, no, we wouldn't
 16 see the notes with this black stuff right there. I
 17 mean, we wouldn't see the notes. That's not how the
 18 notes look. But I don't never seen no --
 19 Q. So other than the blacked out information?
 20 A. That might -- huh? What did you say, sir?
 21 Q. Everything else looks --
 22 A. Yes, sir.
 23 Q. Other than the blacked out information,
 24 everything else looks pretty accurate?
 25 A. Correct.

1 Q. And this is how you would have input that note?
 2 A. That is correct. Now, see this right here,
 3 this Demetre Durham media will not be sent, failed risk
 4 assessment.
 5 Q. So what does that mean?
 6 A. That means that we didn't have -- we didn't
 7 have the media. We have to request it through
 8 cashcentral.com.
 9 Q. And in spite of the fact that you didn't have
 10 the media, what happened after that? What did it show
 11 on the notes here occurred next?
 12 A. I have no idea. I didn't do that. That's EOD.
 13 That's the system. I didn't do that.
 14 Q. What does EOD stand for?
 15 A. I have no idea. That's the system. That's --
 16 yeah, we don't have anything -- none of the account
 17 managers have nothing to do with that.
 18 Q. You can see that the account was reported to
 19 the credit bureaus on March 1st and March 15th, right?
 20 A. Correct.
 21 Q. And then same entry as here, the system
 22 reported the account to the credit bureaus again on
 23 April 1st, 2023, right?
 24 A. Correct.
 25 Q. And let's go back up. On the top it has some

1 basic information. How much was owed on this account?
 2 A. Yes, sir.
 3 Q. How much was that amount?
 4 A. 470.56.
 5 Q. So we're down, it looks as though there was a
 6 check date of July 5th, 2022. Is this a payday loan?
 7 A. Yes, sir, that's an online payday loan.
 8 Q. And what was the original balance?
 9 A. 400.
 10 Q. And then there were some fees added to it?
 11 A. Yeah, the 70.56.
 12 Q. And then the last due date is shown as July
 13 5th, 2022. So it went into default the next day, is
 14 that what it's telling us?
 15 A. Correct.
 16 Q. No references?
 17 A. Correct.
 18 Q. At least none that were in the system there at
 19 NCA?
 20 A. Right, that's correct.
 21 Q. You guys did have the driver's license number,
 22 right?
 23 A. Correct.
 24 Q. Did Mr. Durham dispute that that was his
 25 driver's license number?

1 A. I didn't -- we didn't discuss that.
 2 Q. It looks like there was a call from LiveVox on
 3 November 30th, 2022. And then a new address was entered
 4 as Edgewater Drive in Ewa Beach, Hawaii, on December
 5 1st, 2022, right?
 6 A. Correct.
 7 Q. But that address wasn't in the account before
 8 that. The previous day, there was a letter sent to his
 9 address in Antioch, Tennessee, right?
 10 A. Correct, I see that. Yeah, but that's none of
 11 us. That's none of the account managers. We didn't do
 12 any of that. We didn't send none of that out. That's
 13 either the system or the upper management did that.
 14 Q. Do you know who A155 is?
 15 A. No, sir. Me personally, I don't know who A155
 16 is. But I can -- I mean, it's -- we can find out who
 17 that person is.
 18 Q. That's pretty easy to search within the --
 19 A. Yeah, yeah.
 20 Q. What about J195?
 21 A. Now, that's a Jamaica. That's a Jamaica
 22 person. That's -- yeah, that's Jamaica.
 23 Q. What about the J225?
 24 A. That's Jamaica.
 25 Q. Do you know who either of these individuals

1 are?
 2 A. I would have to look it up.
 3 Q. Do you know who LKB is?
 4 A. No. That's like a system, that's a system
 5 thing. That's not -- that's not, yeah, that's not an
 6 account manager.
 7 Q. Do you know who JAB is?
 8 A. No, that's not an account manager. Any account
 9 manager would either CP is for the Chandler office, CA
 10 is for our Peoria office, Jamaica is J, starts with a
 11 JA, and Hutchinson, what is Hutchinson? Hutchinson is
 12 something else. But if you don't see that, that's not a
 13 person. That's a system issue.
 14 Q. What about this A030?
 15 A. Now, that's -- that's somebody. That's an
 16 account manager.
 17 Q. Did you say they're in Peoria?
 18 A. Most likely.
 19 Q. What about --
 20 A. We can always find out who that is, though.
 21 Q. Pretty easy to find out, right?
 22 A. Yeah.
 23 Q. Probably just take a couple of seconds?
 24 A. Yeah.
 25 Q. Any idea what DMD stands for?

1 A. No, I don't know what that is, but that's a
2 system issue. That's a system. That's not a live
3 person doing that. Well, it ain't one of the account
4 managers.

5 Q. And then SLE, you said that's a system thing,
6 too?

7 A. Correct. But that meant that we didn't have
8 the media. We have to wait for cashcentral.com to get
9 it to us. But those others, this FAG, this EOD, see
10 moved to -- see, here it is right here.

11 It says, move to -- on 4/18/2023, it says, Move
12 to floor, the account disposition changed at follows.

13 But then move to floor. Then it has -- see, I
14 don't know. This is -- move to fraud, account
15 disposition changes, account changed, change section.

16 Marked account for CBR.

17 Now, right here it says, Marked the account for
18 CBR removal, marked account for CBR removal.

19 This was on 4/18. Claims true identity fraud,
20 open. Account fraudulently opened. Provide -- whoa,
21 whoa, whoa -- docs.

22 Now here go. Here go the docs and stuff right
23 here. Docs attached, including FTC report.

24 Received correspondence.

25 Okay. Yeah. Okay. Okay. That's when he sent

1 system is indicating.

2 Q. And any time it shows this, you were showing me
3 there a moment ago, account disposition changed and it
4 says, Moved to floor, that means that it's back in
5 collections, right?

6 A. I'm not -- I'm not -- not really sure about
7 that one. Don't -- I'm not -- I don't know who FAG is,
8 but I'm not really sure about that one.

9 It just says, Moved to floor, account
10 disposition changed as follows.

11 I guess they moved it, the disposition because
12 it went right seconds, you see the time stamp. The time
13 stamp was the same with the seconds right here. The 17,
14 there's only 10 seconds. They moved it to the floor.

15 So that -- yeah, that wasn't -- I'm not really
16 sure about that. But they moved it to a fraud status on
17 -- where did you go, sir?

18 Q. Sorry about that. I was trying to look for the
19 other ones. Go ahead. Yeah, seconds later they moved
20 it to fraud.

21 A. They moved it to the fraud status, so that's
22 what happened there. So it was already, I mean, in
23 fraud. I mean, the change section; account changed,
24 changed section. Marked account for CBR removal.

25 That's all seconds within each other on

1 us the correspondence, Durham. Durham sent us the
2 correspondence, scanned the docs, claim ID theft with
3 the police report.

4 Okay. So he already -- he already did -- I
5 mean, this was all way back in 2023. Why -- we in 2024.
6 This is crazy. And then they filed one 2023, this EOD
7 is reported to the credit bureaus.

8 Yeah, but that's not an account manager.

9 That TAC and, received lawsuit from -- what?
10 What is this? 6/9 --

11 Q. Real quick. Tell me about this EOD account
12 reported to credit bureaus. It says, Account 16829300
13 reported to credit bureaus.

14 That means that the system there at NCA
15 reported it to the credit bureaus for Mr. Durham, right?

16 A. Correct.

17 Q. On May 1st, 2023, is that right?

18 A. That's what I see. Yeah, correct.

19 Q. So despite the previous entry saying, marked
20 account for credit bureau removal on April 18th, it was
21 still reported on May 1st, 2023, by NCA, right?

22 A. That's what it shows right there.

23 Q. All right.

24 A. Yeah, that's the system. You know, the account
25 manager didn't do any of that, but that's what the

1 April 18. So I don't know what happened after that.

2 Q. What is the typical thing that you, as an
3 eight-year veteran working there at NCA, one of their
4 best employees, if you see moved to floor on the notes,
5 what does that usually mean?

6 A. Well, as far as I'm concerned, when it says
7 moved to floor, that means that -- but I don't see that
8 they mailed -- that they mailed him the proof. Normally
9 it would have the address and that letter stamped that
10 they mailed him the proof. I don't see that under that.
11 I don't see that if he was requesting those docs.

12 Because we did receive something. There was
13 docs. He did send over some, but we didn't -- I didn't
14 see that on there. So I'm not really -- I'm not really
15 sure what that -- what that meant. Because, I mean, it
16 really -- it went right into a fraud status afterwards,
17 so it wasn't like moved to the floor and then moved
18 to -- it wasn't on the floor and -- I'm not really sure
19 to be honest with you. I don't know.

20 I just know when it says moved to floor, it has
21 the address under there that we sent him the docs. We
22 sent him the proof. I don't see that. So I don't know.
23 I don't know what that means.

24 Q. I'm showing you another entry on February 23rd,
25 2023. It says, Moved to dispute account disposition

1 changed as follows.
 2 Is there usually information after these
 3 semicolons. It looks like might be stuff missing?
 4 A. No, no, it ain't nothing -- there's nothing
 5 missing. That's it. There's nothing missing after them
 6 colons.
 7 Q. Then it says at 5:11:47 p.m. on February 23rd,
 8 2023, it says, Attorney closed, moved back.
 9 What does that tell us?
 10 A. I have no idea, sir.
 11 Q. Do you know who what KMD is?
 12 A. No, sir. That's one of them upper management
 13 people. I don't know. I don't know who that is.
 14 Q. And then the account got moved again two
 15 minutes later to fraud.
 16 A. Yeah, same KMD.
 17 Q. And then five hours later, 11:06 [sic], it says
 18 that it was moved to temp fraud. What is temp fraud?
 19 Is that that 30-day thing that we were talking
 20 about earlier?
 21 A. Well, yeah, or -- yeah, or we don't have any of
 22 the information. Or we don't have, you know, we don't
 23 have any -- no information. They just saying it's
 24 fraud, but we don't have no report. We don't have
 25 anything. And that's EOD. I don't even know who that

1 Q. All right.
 2 A. And put it in the right field and the right
 3 status when the time permits. If it's in dispute or
 4 fraud, put it in there. Give 'em the pertinent
 5 information, verify, you know, stuff like that.
 6 But all this, this system stuff, yeah, we don't
 7 do that, sir. We don't -- that's not -- those are not
 8 account managers like me. That's something totally
 9 different.
 10 Q. What about this 103? Do you know who this
 11 might be?
 12 A. No. That's the same thing. This is -- this
 13 claims true identity fraud.
 14 Yeah, that's not a person. This 103, that's
 15 not a person.
 16 Q. Yeah. So your job as an account manager at NCA
 17 is to do what?
 18 A. Is to get money, collect the money. Verify,
 19 you know, just do, you know, what the FDCA rules and
 20 regulations want us to do. We abide by the law and try
 21 to collect the debt, and try to collect the debt.
 22 And if it's a dispute or whatever, we do the
 23 proper procedures to put it in dispute and put it in
 24 fraud statuses. And basically it's just collections,
 25 yeah.

1 is.
 2 Q. Might that be end of day?
 3 A. I'm not really sure.
 4 Q. What about this, on March 26, 2023, at 10:34
 5 p.m. it says, Move to temp.
 6 Do you know what that file is?
 7 A. No, sir. I don't know what EOD --
 8 Q. A minute and a half later it's moved temp to
 9 H101. Do you know what H101 is?
 10 A. No, sir. I don't get into none of that -- all
 11 that stuff there, man. That ain't mine. That ain't my
 12 deal. Do you know what I'm saying, sir? That I
 13 don't -- that ain't my deal. All I want to see is the
 14 balance and if you want to pay.
 15 All this stuff right here, that's them. That's
 16 the system. That's -- we don't have nothing to do with
 17 that.
 18 But, I mean, we do have something to know what
 19 status it's in and everything. But, no, I don't know.
 20 I don't know what all that it is, sir. And strategy
 21 code applied, and I don't know what that is.
 22 Q. Your job as an account manager is to verify --
 23 A. Account manager is get money.
 24 Q. Get money, is that right?
 25 A. Correct.

1 But all this moving stuff to the floor and
 2 moving all that, we don't have nothing -- and reporting
 3 to the credit bureaus, we don't have nothing to do with
 4 that.
 5 Q. You can't control any of that?
 6 A. No, sir, we can't control that.
 7 MR. BRACKETT: All right. Let's take a
 8 quick break. I've only got a couple more questions.
 9 Should be able to wrap it up in 30 minutes or so.
 10 THE WITNESS: Okay.
 11 MR. BRACKETT: And off the record at 12:27
 12 here in Hawaii.
 13 (Break from 12:27 to 12:40.)
 14 MR. BRACKETT: Okay. Back on the record at
 15 12:40.
 16 BY MR. BRACKETT:
 17 Q. And a couple of things, first off, Mr. Jones,
 18 did you speak with your attorney during the break?
 19 A. No, sir.
 20 Q. And in regards to documents, I'm gonna share my
 21 screen real quick. We were just talking about a little
 22 bit of stuff. I want to just get this exhibit -- oh, I
 23 don't have it. Oh, yeah, I do.
 24 This is going to be Exhibit 6 to today's
 25 deposition. Have you ever seen this document before or

1 one like it?

2 A. Yes, sir. That's the details. Yes, sir.

3 Q. Is this something you would access as an

4 account manager there at NCA?

5 A. Yeah, they -- it shows -- yeah, the open date,

6 and -- well, and the last reported and the last payment

7 date and stuff like that, yes, sir.

8 Q. Is there any reason that you have to dispute

9 the authenticity of this document?

10 A. No, I don't dispute it.

11 Q. Okay. And this is Mr. Durham's account that

12 we're discussing again, right?

13 A. Correct.

14 Q. Did NCA have any other accounts for Mr. Durham

15 in its system that you're aware of?

16 A. No, sir.

17 Q. So this would have been that cashcentral.com

18 account, right?

19 A. Correct.

20 Q. And this document tells us -- or what does it

21 tell us about the dispute?

22 A. Dispute was added on March 30, 2023.

23 Q. And that's when you spoke with him, right?

24 We can go back to Exhibit 5, if you would like.

25 Let's go back to that real quick. And previously I

1 think you had testified you talked to him in March

2 of 2023, and then back on Exhibit 5 here, I think you

3 had said that this was your --

4 A. Okay. Yes, sir. Yes, sir.

5 Q. And what date did you speak to Mr. Durham?

6 A. March 30, 2023.

7 Q. And as a result of that call, my understanding

8 is your testimony was that you moved the account to a

9 dispute status, is that right?

10 A. Correct.

11 Q. So going back real fast to Exhibit 6, that

12 coincides with what Exhibit 6 is showing us, right? It

13 was added to dispute status on March 30th, 2023, right?

14 A. Correct.

15 Q. But Mr. Durham had disputed it before that,

16 right?

17 A. That's what I seen in the previous notes.

18 Q. And so it was originally disputed or at least

19 was disputed on February 15, 2023, right?

20 A. That's what it shows there, yes.

21 Q. And again, you have no reason to doubt the

22 authenticity of this document, do you?

23 Is has a Bates stamp at the bottom, NCA 0009.

24 This came from NCA?

25 A. Correct.

1 Q. This is a document you guys maintain in your

2 system there at NCA, right?

3 A. Correct.

4 Q. You've seen a similar kind of document like

5 this before?

6 A. Yes, sir.

7 Q. And so it would show us, according to this

8 document, that Mr. Durham's account was disputed back on

9 February 15, 2023, right?

10 A. Yes, that's when it was reported.

11 Q. But the dispute wasn't added until March 30th,

12 2023?

13 A. Correct.

14 Q. Last thing we'll go through today is the phone

15 call. I'm gonna play it for you, but I also have the

16 transcript, so I'm gonna share the transcript. This

17 will be Exhibit 7 to today's deposition. I'll get to

18 that in just a moment.

19 First off, I'm going to hopefully get my

20 computer to do what I want it to do. Just a moment.

21 Previously I think you had testified you only

22 spoke to Mr. Durham once, right?

23 A. Correct.

24 MR. BRACKETT: All right.

25 (Audio played.)

1 BY MR. BRACKETT:

2 Q. Okay. So a couple of quick questions about

3 that. First off, was that your voice, Mr. Jones?

4 A. Yes, sir.

5 Q. And is that the entirety of the call you had

6 with Mr. Durham?

7 A. Yes, sir.

8 Q. And when you received the call, you were

9 attempting to collect the cashcentral.com debt from Mr.

10 Durham?

11 A. What was that, sir?

12 Q. When you received the call, were you attempting

13 to collect the debt, that cashcentral.com debt from Mr.

14 Durham?

15 A. Yes, sir.

16 Q. You believed you had the right guy?

17 A. Correct.

18 Q. In spite of the notes that previously had been

19 input into NCA's system?

20 A. Correct.

21 Q. And in spite of Mr. Durham's credit --

22 A. Yeah, he verified all the information, so I

23 have the correct person.

24 Q. So in spite of the previous notes saying he

25 disputed it and in spite of his credit reporting

1 disputes, you still believed, based on what you were
 2 seeing there in your system, that this was the right
 3 guy?
 4 A. Well, he requested -- excuse me, sir. He
 5 requested that he wanted -- he said if I thought that he
 6 was the right person. He requested -- he wanted to see
 7 the docs, the documentation. So I was -- I wanted to
 8 provide him with the documentation. And what we do, we
 9 put it in the dispute status.
 10 Q. At the beginning of the call, NCA wanted you to
 11 collect from Mr. Durham, right?
 12 A. That is correct.
 13 Q. And that's why it wasn't in a dispute status
 14 when he called in that day?
 15 A. Correct.
 16 Q. NCA requires a physical identity theft
 17 affidavit or a police report to stop collecting from a
 18 consumer who claims fraud, right?
 19 A. Correct.
 20 Q. And a consumer's only other option is to pay
 21 the debt?
 22 A. That's if he -- if we find the validity that
 23 it's -- that it's him that owes the debt, yes, sir.
 24 Q. Do you have any reason to dispute the
 25 authenticity of that recording?

1 A. No, sir.
 2 Q. And was the transcript, Exhibit 7 to today's
 3 deposition, an accurate portrayal of that recording?
 4 A. Yes, sir. That's when I moved it to a dispute
 5 status on that day.
 6 Q. I thank you for that. Mr. Durham thanks you
 7 for that.
 8 A. Okay.
 9 MR. BRACKETT: Let's take about one-minute
 10 break. I want to just see if I have any that questions.
 11 I think I'm pretty much done here. I want to make sure
 12 I don't miss anything, though. Give me just one minute.
 13 THE WITNESS: Yes, sir.
 14 MR. BRACKETT: Off the record at 12:53.
 15 (Off the record from 12:53 to 12:54.)
 16 MR. BRACKETT: All right. Back on the
 17 record at 12:54.
 18 BY MR. BRACKETT:
 19 Q. Mr. Jones, have you communicated with
 20 cashcentral.com regarding this debt?
 21 A. No, sir.
 22 Q. Could you have called cashcentral.com as an
 23 employee of NCA?
 24 A. No, sir. Yeah, they sold the account to us.
 25 Q. And you, as an account manager, you don't have

1 the ability to contact the original creditor and speak
 2 with them?
 3 A. No, sir.
 4 Q. Not in regards to any customer's dispute or
 5 anything?
 6 A. No, sir.
 7 MR. BRACKETT: Okay. That's all of the
 8 questions that I have.
 9 Ms. Claydon, do you have any questions for this
 10 witness.
 11 MS. CLAYDON: No. I just wanted to note
 12 for the record that Mr. Jones has been called in as
 13 personal capacity as an employee, not as a
 14 representative on behalf of the company.
 15 MR. BRACKETT: That's correct. Thank you
 16 for reiterating that.
 17 And any final spellings before we end, Ms.
 18 Hanson.
 19 THE COURT REPORTER: (Moves head from side
 20 to side.)
 21 MR. BRACKETT: Okay. I have two quick
 22 questions then, Mr. Jones.
 23 THE WITNESS: Yes, sir.
 24 MR. BRACKETT: I think your attorney has
 25 already stated this off the record before we went back

1 on, but you have the right to read and review your
 2 deposition transcript. Would you like the opportunity
 3 to read and review it? And Ms. Claydon may talk on your
 4 behalf.
 5 MS. CLAYDON: Yeah, Mr. Jones, we've
 6 advised that we would like you to have the opportunity
 7 to review.
 8 THE WITNESS: Yes, yes, sir.
 9 MS. CLAYDON: We can accept it from the
 10 court reporter on your behalf and get it to you for
 11 review.
 12 THE WITNESS: Yes, ma'am. Yes, sir. I
 13 would like that.
 14 MR. BRACKETT: And the second question is,
 15 would you guys like to obtain a copy of today's
 16 deposition.
 17 THE WITNESS: Yes, sir.
 18 MR. BRACKETT: Okay. All right. Then
 19 we're off the record at 12:56 p.m.
 20 (Concluded at approximately 12:56 p.m., May
 21 14, 2024.)
 22 (Jones Deposition Exhibit Nos. 1 through 7,
 23 inclusive, were marked for identification.)
 24 * * * * *
 25

1 I, IVAN JONES, hereby certify that I have read the
2 foregoing typewritten pages 1 through 129, inclusive,
3 and corrections, if any, were noted by me, and the same
4 is now a true and correct transcript of my testimony.

5 DATED: Chandler, Arizona _____

6

7

8

9

10 _____
IVAN JONES

11

12

13 Signed before me this _____

14 day of _____ 2024.

15

16

17 _____

18

19 Durham vs. National Credit Adjusters, LLC.; Civil No.

20 1:23-CV-00244 LEK-WRP; Deposition taken on May 14, 2024,

21 by Terri R. Hanson, RPR, CSR No. 482.

22

23

24

25

1 CERTIFICATE

2 STATE OF HAWAII)
3) ss.
COUNTY OF KAUAI)

4 I, TERRI R. HANSON, RPR, CSR NO. 482, do hereby
5 certify:

6 That on Tuesday, May 14, 2024, at 9:02 a.m.,
7 Hawaii Standard Time, appeared before me IVAN JONES, the
8 witness whose deposition is contained herein; that prior
to being examined, the witness was by me duly sworn;

9 That the deposition was taken down by me in
10 machine shorthand and was thereafter reduced to
11 typewriting; that the foregoing 131-page transcript
represents, to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter;

12 That pursuant to Rule 30(e) of the Hawaii Rules
13 of Civil Procedure, a request for an opportunity to
review and make changes to this transcript:

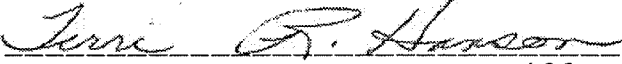
14 X Was made by the deponent or a party (and/or their
15 attorney) prior to the completion of the
deposition.

16 Was **not** made by the deponent or a party (and/or
17 their attorney) prior to the completion of the
deposition.

18 Was waived.

19 I further certify that I am not an attorney for
20 any of the parties hereto, nor in any way concerned with
the cause.

21 Dated this 27th day of May, 2024, in Inver Grove
Heights, Minnesota.

22
23 
24 TERRI R. HANSON, CSR NO. 482
Registered Professional Reporter
25